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**1999**

# ***Illinois Register***

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## **Rules of Governmental Agencies**

Volume 23, Issue 37 — September 10, 1999

Pages 10,896 – 11,355

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Index Department  
Administrative Code Div.  
111 East Monroe Street  
Springfield, IL 62756  
(217) 782-7017  
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published by  
**Jesse White**  
Secretary of State



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## INTRODUCTION

The *Illinois Register* is the official state document for publishing public notice of rulemaking activity initiated by State governmental agencies. The table of contents is arranged categorically by rulemaking activity and alphabetically by agency within each category. The Register also contains a Cumulative Index listing alphabetically by agency the Parts (sets of rules) on which rulemaking activity has occurred in the current Register volume year and a Sections Affected Index listing by Title each Section (including supplementary material) of a Part on which rulemaking activity has occurred in the current volume year. Both indices are action coded and are designed to aid the public in monitoring rules.

Rulemaking activity consists of proposed or adopted new rules; amendments to or repealers of existing rules; and rules promulgated by emergency or peremptory action. Executive Orders and Proclamations issued by the Governor; notices of public information required by State statute; and activities (meeting agendas, Statements of Objection or Recommendation, etc.) of the Joint Committee on Administrative Rules (JCAR), a legislative oversight committee which monitors the rulemaking activities of State agencies; is also published in the Register.

The Register is a weekly update to the *Illinois Administrative Code* (a compilation of the rules adopted by State agencies). The most recent edition of the Code along with the Register comprise the most current accounting of State agencies' rules.

The Illinois Register is the property of the State of Illinois, granted by the authority of the Illinois Administrative Procedure Act [5 ILCS 100/1-1 et seq.].

## REGISTER PUBLICATION SCHEDULE 1999

Issue #	Copy Due by 4:30 p.m.	Publication Date	Issue #	Copy Due by 4:30 p.m.	Publication Date
Issue 1	December 21, 1998	January 4, 1999 *	Issue 28	June 28	July 9
Issue 2	December 28	January 8	Issue 29	July 6 ***	July 16
Issue 3	January 4, 1999	January 15	Issue 30	July 12	July 23
Issue 4	January 11	January 22	Issue 31	July 19	July 30
Issue 5	January 19	January 29	Issue 32	July 26	August 6
Issue 6	January 25	February 5	Issue 33	August 2	August 13
Issue 7	February 1	February 16	Issue 34	August 9	August 20
Issue 8	February 8	February 19 **	Issue 35	August 16	August 27
Issue 9	February 16 ***	February 26	Issue 36	August 23	September 3
Issue 10	February 22	March 5	Issue 37	August 30	September 10
Issue 11	March 1	March 12	Issue 38	September 7 ***	September 17
Issue 12	March 8	March 19	Issue 39	September 13	September 24
Issue 13	March 15	March 26	Issue 40	September 20	October 1
Issue 14	March 22	April 2	Issue 41	September 27	October 8
Issue 15	March 29	April 9	Issue 42	October 4	October 15
Issue 16	April 5	April 16	Issue 44	October 12 ***	October 22
Issue 17	April 12	April 23	Issue 43	October 18	October 29
Issue 18	April 19	April 30	Issue 44	October 25	November 5
Issue 19	April 26	May 7	Issue 45	November 1	November 12
Issue 20	May 3	May 14	Issue 46	November 8	November 19
Issue 21	May 10	May 21	Issue 47	November 15	November 29 *
Issue 22	May 17	May 28	Issue 48	November 22	December 3
Issue 23	May 24	June 4	Issue 49	November 29	December 10
Issue 24	June 1 ***	June 11	Issue 50	December 6	December 17
Issue 25	June 7	June 18	Issue 51	December 13	December 24
Issue 26	June 14	June 25	Issue 52	December 20	December 31
Issue 27	June 21	July 2	Issue 1	December 27	January 7, 2000

\* Monday following a state holiday.

\*\* Tuesday following a state holiday.

\*\*\* Since the state holiday is a Monday, the deadline is Noon on Tuesday.



TABLE OF CONTENTS

ADOPTED RULES

CENTRAL MANAGEMENT SERVICES, DEPARTMENT OF Pay Plan	80 Ill. Adm. Code 310	11020
CHILDREN AND FAMILY SERVICES, DEPARTMENT OF Adoption Services For Children For Whom The Department Of Children And Family Services Is Legally Responsible	89 Ill. Adm. Code 309	11098
HUMAN SERVICES, DEPARTMENT OF Administration	59 Ill. Adm. Code 101	11118
Administrative Hearings	89 Ill. Adm. Code 308	11157
Relocation Program Provisions	89 Ill. Adm. Code 117	11174
NATURAL RESOURCES, DEPARTMENT OF Conservation 2000 - Ecosystems Program	17 Ill. Adm. Code 1533	11178
Duck, Goose And Coot Hunting	17 Ill. Adm. Code 590	11195
Surface Mined Land Conservation And Reclamation Act	62 Ill. Adm. Code 300	11231
POLLUTION CONTROL BOARD General Water Quality Provisions	35 Ill. Adm. Code 302	11249
Introduction	111. Adm. Code 301	11277
Permits	35 Ill. Adm. Code 309	11287
PUBLIC AID, DEPARTMENT OF Medical Assistance Programs	89 Ill. Adm. Code 120	11301
STATE EMPLOYEES' RETIREMENT SYSTEM OF ILLINOIS The Administration And Operation Of The State Employees' Retirement System Of Illinois	80 Ill. Adm. Code 1540	11313
EMERGENCY RULES CAPITAL DEVELOPMENT BOARD Standards For Award Of Grants: School Construction Program	71 Ill. Adm. Code 40	11320

PROPOSED RULES

CAPITAL DEVELOPMENT BOARD Standards For Award Of Grants: School Construction Program	71 Ill. Adm. Code 40	10896
CARNIVAL-AMUSEMENT SAFETY BOARD Carnival And Amusement Ride Inspection Law	56 Ill. Adm. Code 6000	10898
CENTRAL MANAGEMENT SERVICES, DEPARTMENT OF The Travel Regulation Council	80 Ill. Adm. Code 3000	10905
COMMERCIAL AND COMMUNITY AFFAIRS, DEPARTMENT OF Aviation And Motor Vehicle Safety	47 Ill. Adm. Code 10, Repeal	10907
EDUCATION, STATE BOARD OF School Construction Program	23 Ill. Adm. Code 151	10916
HUMAN SERVICES, DEPARTMENT OF Service Planning And Provision	89 Ill. Adm. Code 684	10918
TRANSPORTATION, DEPARTMENT OF Business Logo Signing Program	92 Ill. Adm. Code 342	10972
Driving And Parking	92 Ill. Adm. Code 397	10962
Driving Of Motor Vehicles	92 Ill. Adm. Code 392	10966
Hours Of Service Of Drivers	92 Ill. Adm. Code 395	10969
Inspection, Repair And Maintenance	92 Ill. Adm. Code 396	10974
Motor Carrier Safety Regulations: General	92 Ill. Adm. Code 390	10979
Parts And Accessories Necessary For Safe Operation	92 Ill. Adm. Code 393	10999
Process And Maintenance	92 Ill. Adm. Code 386	11003
Qualification Of Drivers	92 Ill. Adm. Code 391	11015



# ISSUES INDEX I-1

**Editor's Note:** The Cumulative Index and Sections Affected Index will be printed on a quarterly basis. The printing schedule for the quarterly and annual indexes are as follows:

March	31, 1999
June	30, 1999
September	30, 1999
December	31, 1999 (Annual)

CENTRAL MANAGEMENT SERVICES, DEPARTMENT OF  
The Travel Regulation Council  
80 Ill. Adm. Code 3000 .....ll1332

EDUCATION, STATE BOARD OF  
School Construction Program  
23 Ill. Adm. Code 151 .....ll1336

## NOTICE OF PUBLIC HEARINGS

CANNING-MUSEMENT SAFETY BOARD  
Carnival and Amusement Ride Inspection Law  
56 Ill. Adm. Code 6000 .....ll1340

## NOTICE OF CORRECTION TO NOTICE ONLY

SECRETARY OF STATE  
Issuance of Licenses  
92 Ill. Adm. Code 1030 .....ll1341

## NOTICE OF RECODIFICATION

LIQUOR CONTROL COMMISSION, ILLINOIS  
Beverage Alcohol Sellers and Servers Education And Training (BASSET)  
Programs  
77 Ill. Adm. Code 3500 .....ll1342

## JOINT COMMITTEE ON ADMINISTRATIVE RULES

Agenda for Meeting of September 14, 1999 .....ll1344  
Second Notices Received .....ll1349

## EXECUTIVE ORDERS AND PROCLAMATIONS

### PROCLAMATIONS

99-342 Purple Heart Month/Purple Heart Day .....ll1351  
99-343 Kidcare Month .....ll1351  
99-344 Dystonia Awareness Week .....ll1352  
99-345 Firefighters Appreciation Month .....ll1352  
99-346 Blessed Mother Theodore Guerin Day .....ll1352  
99-347 Child and Youth Care Workers Week .....ll1353  
99-348 Golden Arches Day .....ll1353  
99-349 Golden Arches Day .....ll1353  
99-350 Literacy For People Who Are Deaf Or Hard Of Hearing  
Day .....ll1354  
99-351 "School's Open" Safety Week .....ll1355

## CAPITAL DEVELOPMENT BOARD

## NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Standards for Award of Grants: School Construction Program

2) Code Citation: 71 Ill. Adm. Code 40

3) Section Numbers: Proposed Action:  
40.1130 Amended

4) Statutory Authority: Implementing the Capital Development Board Act (20 ILCS 3105) and authorized by Section 5-55 of that Act, and the School Construction Law (105 ILCS 230).

5) A Complete Description of the Subjects and Issues Involved: The proposed rulemaking identifies what fiscal year grant index is used as a multiplier for determining local and State funding shares. It also clarifies how project costs are adjusted when better than expected bid prices are received.

6) Will this proposed rule replace an emergency rule current in effect? Yes

7) Does this rulemaking contain an automatic repeal date? No

8) Does this proposed amendment contain incorporation by reference? No

9) Are there any other proposed amendments pending on this Part? No

10) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a State mandate as defined in Section 3(b) of the State Mandates Act (30 ILCS 805/3(b)).

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: From the date that this notice first appears in the *Illinois Register*, for a period of 45 days thereafter, interested persons may submit comments, in writing, to:

Fredrick W. Hahn, Chief Counsel  
Capital Development Board  
3rd Floor, Wm. G. Stratton Bldg.  
Springfield, Illinois 62706  
Telephone: 217/782-0700

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporation affected: None

B) Reporting, bookkeeping or other procedures required for compliance:  
None

## CAPITAL DEVELOPMENT BOARD

## NOTICE OF PROPOSED AMENDMENTS

C) Types of professional skills necessary for compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: This rule was not included on either of the 2 most recent agendas because: the need for the rulemaking was not perceived.

The full text of the Proposed Amendment is identical to the text of the Emergency Amendment appearing in this issue of the Illinois Register on page i 11322

## CARNIVAL-AMUSEMENT SAFETY BOARD

## NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Carnival and Amusement Ride Inspection Law

2) Code Citation: 56 Ill. Adm. Code 6000

3) Section Numbers: Proposed Action:

6000.10 Amendments  
6000.50 Amendments

4) Statutory Authority: 430 ILCS 85/2-6

5) A Complete Description of the Subjects and Issues Involved: These amendments implement actions taken by the Carnival-Amusement Safety Board at their July 7, 1999 meeting.

6) Will this proposed rule replace an emergency rule currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this amendment contain incorporations by reference? No

9) Are there any other proposed amendments pending on this Part? No

10) Statement of Statewide Policy Objectives: This rulemaking will not create or enlarge any state mandate.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: A public hearing will be held as follows:

October 5, 1999  
Tuesday, 1:00 P.M.  
Illinois Department of Labor  
#1 W. Old State Capitol Plaza, Room 300  
Springfield, Illinois 62701

Oral testimony will be limited to 10 minutes per person. Written comments may also be submitted at the public hearing or will be accepted until October 25, 1999.

12) Please submit all comments to:

Carl Kimble, Chief Inspector  
Carnival & Amusement Ride Division  
Illinois Department of Labor  
#1 W. Old State Capitol Plaza, Room 300  
Springfield, Illinois 62701  
(217) 782-9347

13) Initial Regulatory Flexibility Analysis: This amendment will not

## CARNIVAL-AMUSEMENT SAFETY BOARD

## NOTICE OF PROPOSED AMENDMENTS

adversely affect any owner of amusement rides or amusement attractions since it eliminates a fee that can be assessed the owners who fail to file their application in a timely manner.

14) Regulatory Agenda on which this rulemaking was summarized: July 1999

The full text of the Proposed Amendment begins on the next page.



CARNIVAL-AMUSEMENT SAFETY BOARD  
NOTICE OF PROPOSED AMENDMENTS

TITLE 56: LABOR AND EMPLOYMENT  
CHAPTER XIII: CARNIVAL-AMUSEMENT SAFETY BOARD

PART 6000  
CARNIVAL AND AMUSEMENT RIDE INSPECTION LAW

Section	
6000.10	Definitions
6000.20	Exemptions
6000.30	Inspections
6000.40	Application for a Permit to Operate
6000.50	Permit, Inspection and Associated Fees
6000.60	Revocation of Permit to Operate (Repealed)
6000.65	Suspension of Permit to Operate
6000.70	Ride Design and Construction
6000.80	Insurance
6000.90	Penalties
6000.100	Appeals
6000.110	Assembly and Disassembly
6000.120	Operator Requirements
6000.130	Passenger Conduct
6000.140	Signal Systems
6000.150	Daily Inspection and Test Reports
6000.160	Stop Operation Order
6000.170	Fire Prevention and Protection
6000.180	Internal Combustion Engines
6000.190	Means of Access and Egress
6000.200	Electrical Equipment
6000.210	Hydraulic Systems
6000.220	Air Compressors and Equipment
6000.230	Wire Rope
6000.240	Chain
6000.250	Inflated Amusement Attractions and Inflated Buildings
6000.260	Non-Destructive Testing
6000.270	Ski Lifts, Aerial Tramways, and Rope Tows
6000.280	Go-Karts, Dune Buggies, and All-Terrain Vehicles
6000.290	Water Slides
6000.300	Dry Type Slides
6000.310	Trams
6000.320	Bungee Jumping
6000.330	
6000.340	

AUTHORITY: Implementing and authorized by the Carnival and Amusement Rides Safety Act (430 ILCS 85).

SOURCE: Emergency Rules adopted at 9 Ill. Reg. 7176, effective May 3, 1985, for a maximum of 150 days; emergency expired September 30, 1985; adopted at 10

CARNIVAL-AMUSEMENT SAFETY BOARD  
NOTICE OF PROPOSED AMENDMENTS

Ill. Reg. 7685, effective April 29, 1986; emergency amendment at 10 Ill. Reg. 19117, effective October 27, 1986, for a maximum of 150 days; amended at 11 Ill. Reg. 5996, effective March 24, 1987; amended at 11 Ill. Reg. 19650, effective November 18, 1987; amended at 12 Ill. Reg. 11186, effective June 20, 1988; emergency amendment at 13 Ill. Reg. 8025, effective May 15, 1989, for a maximum of 150 days; emergency expired October 12, 1989; amended at 13 Ill. Reg. 20309, effective January 1, 1990; emergency amendment at 14 Ill. Reg. 3235, effective February 9, 1990, for a maximum of 150 days; emergency expired July 9, 1990; amended at 15 Ill. Reg. 4109, effective February 28, 1991; emergency amendment at 16 Ill. Reg. 7716, effective May 11, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 12436, effective August 1, 1992; amended at 16 Ill. Reg. 15415, effective September 28, 1992; amended at 17 Ill. Reg. 14910, effective September 1, 1993; amended at 18 Ill. Reg. 13384, effective September 1, 1994; amended at 21 Ill. Reg. 5135, effective April 15, 1997; amended at 21 Ill. Reg. 14954, effective December 1, 1997; amended at 23 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

Section 6000.10 Definitions

In addition to those definitions found in Section 2-2 of the Carnival and Amusement Rides Safety Act (the Act) [430 ILCS 85/2-2], the following definitions shall apply for the purposes of this part:

"Administrative Hearing Fee" means a fee assessed by the Department upon an operator when the Department issues a notice for an administrative hearing to suspend the Permit to Operate and/or collect past due fees.

"Annual Inspection" is the official inspection of a ride or device made by the Director or his designee.

"ANSI" is the abbreviation for the American National Standards Institute, Inc., 1430 Broadway, New York, New York 10018.

"ASN" is the abbreviation for the American Society for Nondestructive Testing, Inc., 1711 Arlington Plaza, P.O. Box #28518, Columbus, Ohio 43228-0518.

"ASTM" is the abbreviation for American Society for Testing and Materials, 100 Barr Harbor Drive, West Conshohocken, Pennsylvania 19428-2959.

"Department" means Illinois Department of Labor. (Section 2-2 of the Act)

"Director" means the Director of the Illinois Department of Labor or his designee. (Section 2-2 of the Act)

## CARNIVAL-AMUSEMENT SAFETY BOARD

## NOTICE OF PROPOSED AMENDMENTS

"Dry Slides" means an inclined surface with a change in elevation of twenty feet or more upon which people slide or are conveyed.

"Flume" means an inclined channel which conveys the water and the slide participant from the top of the slide to the plunge pool.

**"Inspection-Scheduling-Fee" means a fee--assessed--by--the--Department upon-an-operator-who-requests-an-inspection-less-than-two-weeks-before the-first-scheduled-day-of-operation;**

"Kiddie Rides" are those rides which are designed for 75 pounds or less per passenger.

"Major Alteration" means a change in the type or capacity of an amusement ride or amusement attraction or a change in the structure or mechanism that materially affects its functions or operation. This includes, but is not limited to changing its mode of transportation from non-wheeled to a truck or flat-bed mount, and changing its mode of assembly or other operational functions from manual to mechanical or hydraulic.

"Major Breakdown" means a stoppage of operation of an amusement ride or amusement attraction occurring from damage of a structural component.

"Major Rides" are those rides which are designed for more than 75 pounds per passenger unit.

"NFPA" is the abbreviation for National Fire Protection Association, Batterymarch Park, Quincy, Massachusetts 02269.

**"Operator" means a person, or agent of a person, who owns or controls or has the duty to control the operation of an amusement ride or amusement attraction at a carnival or fair. "Operator" includes an agency of the State or any of its political subdivisions. (Section 2-2 of the Act) For the purpose of this Part:**

Owner means the person, partnership, company, corporation, or any other entity, or agency of the State or any of its political subdivisions, who owns an amusement ride or amusement attraction.

Agent means a person employed by the Owner to carry out the responsibilities of management on the Owner's behalf.

Manager means a person employed by the Owner and who is responsible to the Agent or the Owner for the day-to-day on-site management of the amusement ride(s) and/or amusement attraction(s).

## CARNIVAL-AMUSEMENT SAFETY BOARD

## NOTICE OF PROPOSED AMENDMENTS

Attendant means a person employed by the Owner to physically operate an amusement ride or amusement attraction when it is open to the public.

Assistant means a person employed by the Owner to assist the Attendant in operating an amusement ride or amusement attraction when it is open to the public.

"Payment of Fees" as used in this Part shall be deemed made if the department receives all fees assessed in the form of a check or money order made payable to "Illinois Department of Labor" no later than seven calendar days after the date of inspection.

"Permit" means a permit issued annually by the Department allowing an amusement ride or an amusement attraction unit to be operated in the State of Illinois.

"Plunge Pool" means a pool or artificial body of water into which a person exits from a water slide.

"Public Use" means an operator of an amusement ride or amusement attraction does not prohibit or restrict access to the ride or attraction by members of the community, except as permitted under Section 2-19 of the Act and Section 6000.130 of this Part.

"Reinspection" is an inspection, other than the annual inspection made during the year, as a result of any necessary repairs not being completed while the inspector is on site.

"Serious Injury" means an injury for which treatment by a licensed physician is required.

"Tram" means: Any tram, open car, or combination of open cars or wagons pulled by a tractor or other motorized device which is not licensed by the Secretary of State, which may, but does not necessarily follow a fixed or restricted course, and is used primarily for the purpose of giving its passengers amusement, pleasure, thrills or excitement, and for which an individual fee is charged or a donation accepted with the exception of hayrack rides. (Section 2-2 of the Act)

"Water Slide" means a slide which consists of a flume, a plunge pool, a pump reservoir and water treatment facilities where water is pumped to the top of the flume and allowed to flow down the flume to the plunge pool.

(Source: Amended at 23 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.)

CARNIVAL-AMUSEMENT SAFETY BOARD  
NOTICE OF PROPOSED AMENDMENTS

**Section 6000.50 Permit, Inspection and Associated Fees**

Fees assessed under the Act will be:

- a) Permit Fees
- 1) Kiddie Rides: \$10.00 each
  - 2) Major Rides: \$25.00 each
  - 3) Amusement Attractions: \$25.00 each
  - 4) Ski Lifts, Aerial Tramways, and Rope Tows: \$25.00 each
  - 5) Inflated Amusement Attractions: \$10.00 each
  - 6) Permit issued upon resolution of a Stop Operation Order: \$10.00 each
- b) Inspection Fees
- 1) Kiddie Rides: \$20.00 each
  - 2) Major Rides: \$50.00 each
  - 3) Amusement Attractions: \$50.00 each
  - 4) Ski Lifts, Aerial Tramways, and Rope Tows: \$50.00 each
  - 5) Inflated Amusement Attractions: \$20.00 each
  - 6) Reinspection to resolve a Stop Operation Order: \$250.00 each
  - 7) Reinspection: \$20.00 each
- c) Administrative Hearing Fee: \$250.00 per hearing.
- d) ~~Inspection-Scheduling-Fee--\$400-00--per--amusement---ride---and/or amusement-attraction:~~
- g) Fees double if not paid within 45 days.

(Source: Amended at 23 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES  
NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: The Travel Regulation Council
- 2) Code Citation: 80 Ill. Adm. Code 3000
- 3) Section Number: 3000.400  
Proposed Action: Amend
- 4) Statutory Authority: Implementing and authorized by Sections 12-1, 12-2 and 12-3 of the State Finance Act [30 ILCS 105/12-1, 12-2 and 12-3]
- 5) A Complete Description of the Subjects and Issues Involved: This amendment incorporates a reference to the Federal Register publication which summarizes federal lodging rates.
- 6) Will this rulemaking replace any emergency rulemaking currently in effect?  
Yes
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this rulemaking contain incorporations by reference? No
- 9) Are there any other proposed rulemakings pending on this Part? Yes

<u>Section Numbers</u>	<u>Proposed Action</u>	<u>Illinois Register Citation</u>
3000.300	Amend	23 Ill. Reg. 9592
3000.400	Amend	23 Ill. Reg. 9592

10) Statement of Statewide Policy Objectives: Rulemaking does not affect units of local government.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may submit written comments within 45 days after date of publication to:

Stephen W. Seiple  
720 Stratton Office Building  
Springfield IL 62706  
217/782-9669

12) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses, small municipalities and not for profit corporations affected: None
- B) Reporting, bookkeeping or other procedures required for compliance: None



## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PROPOSED AMENDMENTS

C) Types of professional skills necessary for compliance: None

- 13) Regulatory Agenda on which this rulemaking was summarized: This rule was not included on either of the 2 most recent agendas because: The need for the rulemaking did not come to the Department's attention until after the timeframe in which a regulatory agenda was to be filed.

The full text of the Proposed Amendment is identical to the text of the Emergency Amendment that appear on page 133 of this edition of the Illinois Register.

## DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

## NOTICE OF PROPOSED REPEAL

- 1) Heading of the Part: Review and Appeal Procedures
- 2) Code Citation: 47 Ill. Adm. Code 10
- 3) 

<u>Section Numbers:</u>	<u>Proposed Action:</u>
10.10	Repealer
10.20	Repealer
10.30	Repealer
10.40	Repealer
10.50	Repealer
10.60	Repealer
10.70	Repealer
10.80	Repealer
10.90	Repealer
10.100	Repealer
10.110	Repealer
10.120	Repealer
10.130	Repealer
- 4) Statutory Authority: Implementing Section 5-10(a)(i) and Article 10 of the Illinois Administrative Procedure Act [5 ILCS 100/5-10(a)(i) and Art. 10] and authorized by Section 46.42 of the Civil Administrative Code of Illinois [20 ILCS 605/46.42].
- 5) A Complete Description of the Subjects and Issues Involved: Currently, the Department has proposed rules (Administrative Hearing Rules, 56 Ill. Adm. Code 2605) in first notice that will govern all of the agency's programs. These proposed rules are more comprehensive and govern any review and hearing procedures that will take place at the Department's State agency level. In order for these proposed rules to proceed to second notice, the Department must repeal any adopted rules pertaining to review and appeal procedures. This emergency repealer is in the public interest because the proposed rules cannot be adopted before the rules in effect are repealed.
- 6) Will these rules replace emergency rules currently in effect? Yes
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Do these proposed rules contain incorporations by reference? No
- 9) Are there any rules pending on this part? No
- 10) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a State mandate as defined in Section 3(b) of the State Mandates Act [30 ILCS 805].
- 11) Time, Place and Manner in which interested persons may comment on this

## DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

## NOTICE OF PROPOSED REPEALER

Proposed rulemaking:

Ms. Bava Bogard, Rules Coordinator  
Office of the General Counsel  
Department of Commerce and Community Affairs  
620 East Adams Street, 1st Floor  
Springfield, Illinois 62701  
(217) 785-6265

12) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses and small municipalities affected: None
- B) Reporting, bookkeeping or other procedures required for compliance: None
- C) Types of professional skills necessary for compliance: None
- 13) Regulatory Agenda on which this rulemaking was summarized: July 1999

The full text of the Proposed Repealer begins on the next page.

## DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

## NOTICE OF PROPOSED REPEALER

TITLE 47: HOUSING AND COMMUNITY DEVELOPMENT  
CHAPTER I: DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

## PART 10

## REVIEW AND APPEAL PROCEDURES (REPEALED)

Section	Definitions
10.10	What May be Appealed
10.20	What May Not be Appealed
10.30	Who May Appeal
10.40	The Right to Appeal and Request a Formal Hearing
10.50	Notice Requirements
10.60	How to Request a Review
10.70	Review of Decision
10.80	Handling of a Request for a Formal Hearing
10.90	Notice of Formal Hearing
10.100	Appeal Rights and Responsibilities
10.110	Hearing Officer
10.120	Final Decision
10.130	

AUTHORITY: Implementing Section 5-10(a)(i) and Article 10 of the Illinois Administrative Procedure Act (Ill. Rev. Stat. 1991, ch. 127, pars. 1005-10(a)(i) and 1010-5 et seq.) and authorized by Section 46.42 of the Civil Administrative Code of Illinois (Ill. Rev. Stat. 1987, ch. 127, par. 46.42).

SOURCE: Adopted at 12 Ill. Reg. 9868, effective May 27, 1988; repealed at 23 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## Section 10.10 Definitions

Department - the Illinois Department of Commerce and Community Affairs.

Director - the Director of the Illinois Department of Commerce and Community Affairs.

Final Decision - the decision issued by the Director of the Department after receipt and review of the Hearing Officer's proposed decision.

Financial Assistance - State and federal funds appropriated to the Department for grants to qualified applicants. Awards of financial assistance shall be finalized by a signed agreement executed by the Recipient and the Department which sets forth such provisions as the amount of grant funds, use of funds, reporting and auditing requirements, terms and conditions of financial assistance, budget, scope of work, and covenants and assurances.

## DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

## NOTICE OF PROPOSED REPEALER

Formal Hearing - final review of a decision made by the Review Officer, conducted by an independent Hearing Officer, during which both parties are afforded the opportunity to respond and present evidence and argument.

Hearing Officer - the individual responsible for conducting the Formal Hearing and charged with the duties set forth in Section 10.120(b).

Recipient - a person, municipality, business, or organization that has received direct financial assistance from the Department pursuant to the Department's statutory authority. The appeal rights of Subrecipients, individuals receiving financial assistance from a Recipient of the Department, are addressed in specific program rules.

Review Officer - the individual responsible for coordinating the review and appeal process within the Department.

#### Section 10.20 What May be Appealed

The review and appeal procedures outlined herein are applicable to those programs whose codes specifically cite these rules. They do not apply to those programs which have separate rules which address the review and appeal procedures (e.g., the Job Training Partnership Act programs specified in 56 Ill. Adm. Code 2600, 2610, and 2620 or to other programs whose codes do not specifically cite these rules). In instances where individual program rules are more specific or inclusive, those rules shall take precedence over these general rules. Unless explicitly excluded or modified by a specific program's rules, issues which may be reviewed and appealed to the Department include but are not limited to notice of termination or removal of financial assistance.

#### Section 10.30 What May Not be Appealed

The following are not appropriate for consideration under the review and appeal procedures set forth herein:

- a) Rulemaking as set forth in Sections 5-35, 5-40, 5-45 and 5-50 of the Illinois Administrative Procedure Act (Ill. Rev. Stat. 1991, ch. 127, pars. 1005-39, 1005-40, 1005-45 and 1005-50).
- b) A decision which has previously been decided through the review and appeal process in which a final decision has been rendered.
- c) Instances in which the Recipient has waived his/her right to a hearing by failing to request a hearing within the required time period, as stated in Section 10.70.
- d) Issues involving unfair labor practices or discrimination in employment.
- e) The Department's decision to deny an application for financial assistance or to fund at a lower level than requested, unless otherwise permitted under specific program rules.

## DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

## NOTICE OF PROPOSED REPEALER

#### Section 10.40 Who May Appeal

Subject to Section 10.20, any Recipient or his attorney may request a review of a decision by the Department. If the Recipient has an authorized agent, the representative shall have the same rights as the Recipient in the review and appeal process.

#### Section 10.50 The Right to Appeal and Request a Formal Hearing

Subject to Section 10.20, the Department shall notify Recipients of their right to appeal the Department's decisions at the time a decision is made to suspend, modify, remove or terminate financial assistance. This notification shall be in writing and served by registered or certified mail. Department staff shall not interfere with or intimidate the Recipient in their decision to request a formal hearing. The Review Officer shall assist the Recipient in seeking a formal hearing if such a request is made.

#### Section 10.60 Notice Requirements

Subject to Section 10.20, the Department shall notify all Recipients of its decision to suspend, modify, remove or terminate financial assistance to the Recipient. The notice shall be in written form, dated, and contain the following:

- a) The date on which the decision will take effect.
- b) The specific reason/reasons, with citation to appropriate law, rule, or regulation, which support the decision to suspend, modify, remove or terminate financial assistance.
- c) The name and address of the Review Officer to whom the Recipient can request a formal review.
- d) The Recipient has ten (10) calendar days from receipt of the notice to file a request for review.
- e) All notices sent by the Department will be sent by registered or certified mail and the date on the receipt will be used to determine compliance with time periods.
- f) A copy of the Department's rules entitled "Review and Appeal Procedures" (47 Ill. Adm. Code 10), and/or any other laws, rules, or regulations which support the decision.

#### Section 10.70 How to Request a Review

The Recipient shall submit a notice of its intent to appeal within ten (10) calendar days of receipt by Recipient of the Department's notice. The Recipient will be given an additional fifteen (15) calendar days to file a written request for review which specifies the decision to be reviewed, the reasons for requesting the review, and the arguments which support a different decision. The notice of intent to appeal and the request for review must be mailed to: Review Officer, Illinois Department of Commerce and Community Affairs, 620 East Adams, Springfield, Illinois 62701. Failure to request a



## DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

## NOTICE OF PROPOSED REPEALER

review within the prescribed time shall waive the right to have the decision reviewed. The decision will take effect ten (10) calendar days after receipt of the notice specified in Section 10.60 unless a timely request for review has been filed with the Department. The postmark date will determine compliance with the time periods set forth in these rules.

**Section 10.80 Review of Decision**

Upon timely receipt of a request for review, as specified in Section 10.70, the Department will review its decision based on the rules governing the program under which the grant was awarded and any written materials submitted by the Recipient. The Department may affirm, modify or reverse its original decision. The Department shall notify the Recipient in writing within ten (10) business days from the date the request is received of its decision. The notice shall advise the Recipient that a Formal Hearing may be requested through the Department's Review Officer. The request for a Formal Hearing must be made, in writing, within fifteen (15) calendar days of the date of receipt of the notice of the review decision.

**Section 10.90 Handling of a Request for a Formal Hearing**

- a) The Review Officer shall grant the request for a Formal Hearing when the original request for review was made within fifteen (15) calendar days of Recipient's receipt of the original decision of the Department, and the request for a Formal Hearing was made within fifteen (15) calendar days of the notice of review decision, and the issue for review is within the jurisdiction of the review and appeal's procedures as outlined herein.
- b) The Review Officer shall deny a request for a Formal Hearing for the following reasons only:
  - 1) the Recipient failed to timely file a request for review in accordance with Section 10.70, or formal hearing, in accordance with Section 10.90(a),
  - 2) the appeal has been withdrawn in writing by the Recipient.
  - 3) the issue is not a contested case as defined by Section 1-30 of the Illinois Administrative Procedure Act (Ill. Rev. Stat. 1991, ch. 127, par. 1001-20),
  - 4) the Recipient failed to follow the review procedures as set forth in Section 10.70.
- c) The Review Officer shall notify the Recipient in writing of the denial or granting of the Formal Hearing within ten (10) working days of the date on which a request for a Formal Hearing was received.

**Section 10.100 Notice of Formal Hearing**

The Review Officer shall schedule a hearing at a date not to exceed thirty (30) calendar days after the date the Recipient requested a Formal Hearing. Review Officer shall schedule the hearing either at the Department's Springfield or

## DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

## NOTICE OF PROPOSED REPEALER

Chicago office or at such other location as determined by the Hearing Officer, at a time reasonably convenient for all parties. The Department will schedule the hearing in another location taking into consideration such factors as the parties' ability to travel and the location of the parties and the Hearing Officer. At least seven (7) calendar days before the scheduled hearing, the Review Officer shall provide written notice to the Recipient. Such notice shall contain the following:

- a) the date, time, location and nature of the Formal Hearing and the name of the Hearing Officer.
- b) a statement of the legal authority and jurisdiction under which the hearing is to be held.
- c) a reference to the particular Sections of the statutes and rules involved,
- d) except where a more detailed statement is otherwise provided for by law, a short and plain statement of the matters asserted,
- e) that failure to appear at the hearing will lead to abandonment of the review, which will be considered a waiver of the right to appeal,
- f) the Recipient has appeal rights listed in Section 10.110.

**Section 10.110 Appeal Rights and Responsibilities**

- a) The Recipient may be accompanied by other persons at the hearing. However, any person representing the Recipient at the hearing must be an attorney licensed to practice law in Illinois under Article VII of the Illinois Supreme Court Rules (Ill. Rev. Stat. 1987, ch. 110A, pars. 701-774).
- b) All requests for discovery materials must be in writing with a copy to the opposing party and must be received by the Department within fifteen (15) calendar days after service of the initial pleading five (5) calendar days after service of any additional pleading, and at least ten (10) calendar days prior to hearing. Discovery requests shall not be denied if the disclosure of the evidence might be helpful to the party. Discovery requests will be denied where the request is not made in accordance with the timeframes specified in this subsection, requests confidential information, privileged communications, or disclosure that is exempt under the Freedom of Information Act (Ill. Rev. Stat. 1987, ch. 116, par. 201 et seq.), or information that is not material or relevant to the issues.
- c) The Recipient and the Department have the right during the hearing to introduce and rebut evidence, present and question witnesses, and cross-examine opposing witnesses. The provisions of Section 10-40 of the Illinois Administrative Procedure Act (Ill. Rev. Stat. 1991, ch. 127, par. 1010-40) will be applicable to the conduct of the hearing.
- d) The Recipient and the Department are responsible for submitting documents and other materials, which are requested by the Hearing Officer, to the Hearing Officer and the opposing party within the timeframe designated by the Hearing Officer.
- e) Continuances must be requested at least forty-eight (48) hours prior

## DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

## NOTICE OF PROPOSED REPEALER

to the time of the scheduled formal hearing. A party shall be granted one (1) continuance of up to fourteen (14) days upon request. Any other requests for a continuance will be granted only for good cause shown. In determining good cause, factors which the hearing officer may consider include the inability of legal counsel elsewhere, illness or death of a party or witness, and substitution of an attorney.

**Section 10.120 Hearing Officer**

a) The Director or his or her designee shall appoint a Hearing Officer to conduct the hearing. In matters of suspension and/or termination of a grant, the Hearing Officer must be an attorney licensed to practice law in Illinois under Article VII of the Illinois Supreme Court Rules. The Hearing Officer shall possess knowledge and information regarding the rules governing the program under which the grant was awarded and this Part, shall not have been involved with the original or review decisions, and shall not have personal or professional interest in the outcome.

b) The Hearing Officer shall have the following duties:

- 1) to conduct a fair, impartial, and formal hearing on the issues in which the strict rules of evidence will not apply,
- 2) to determine what evidence will be admissible at the hearing,
  - A) Except with respect to matters of privilege, the rules of evidence as applied in civil cases in courts of this State shall not be strictly applied to hearings under this Part. Admissibility of evidence shall be liberally interpreted in order to present all matters which are or may be relevant to the issues affecting the parties.
  - B) The Hearing Officer shall exclude immaterial, irrelevant and repetitious evidence.
  - C) When the admissibility of disputed evidence depends upon an arguable interpretation of substantive law, the Hearing Officer shall admit such evidence.
  - D) A party may conduct examinations or cross-examinations without rigid adherence to formal rules of evidence, provided the examination or cross-examination can be shown to be material and relevant.
- 3) to inform the parties of their rights and their responsibilities in accordance with Section 10.110
- 4) to consider all relevant facts and circumstances as they relate to the issues raised in the request for Formal Hearing,
- 5) to compile a record of the proceedings in accordance with Section 10-35 of the Illinois Administrative Procedure Act (Ill. Rev. Stat. 1991, ch. 127, par. 1010-35) and to transmit a copy of such record to the Director.
- 6) obtain a certified shorthand reporter under the Illinois Certified Shorthand Reporters Act of 1984 (Ill. Rev. Stat. 1987, ch. 111, pars. 6201 et seq.), to compile and transmit a copy of

## DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

## NOTICE OF PROPOSED REPEALER

the report of his or her findings and proposed decision within thirty (30) days of the hearing or within thirty (30) days of receipt of a certified shorthand reporter's transcript of the proceedings to the Director and the Recipient. The report shall contain his or her proposed decision based exclusively on the written, physical, and oral testimony presented at the hearing. The proposed decision shall contain a statement of the reasons for the proposed decision and each fact of law necessary to the proposed decision. If the proposed decision is adverse to the Recipient, the Recipient shall be afforded an opportunity to file written exceptions to the Director within ten (10) calendar days of receipt of the Hearing Officer's report.

**Section 10.130 Final Decision**

The Director shall issue a final decision, in accordance with Section 10-50 of the Illinois Administrative Procedure Act (Ill. Rev. Stat. 1991, ch. 127, par. 1010-50), after consideration of the following: any filed exceptions, record, and the proposed decision of the Hearing Officer. The final decision shall be issued in writing within twenty (20) calendar days after the proposed decision was submitted to the parties.

## STATE BOARD EDUCATION

## NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: School Construction Program

2) Code Citation: 23 Ill. Adm. Code 151

3) Section Numbers: Proposed Action:  
151.60 Amendment

4) Statutory Authority: 105 ILCS 230

5) A. Complete Description of the Subjects and Issues Involved: Planning for the construction expenditures inherent in this program requires an ability to predict what index will be used. However, school districts' grant indexes may change from year to year, and a grant entitlement may be issued in an earlier year than the eventual grant to which it refers. Districts have found themselves at a significant disadvantage when the later grant index has been lower than it was in the year when they received their entitlements, because they have then been faced with the need to make up more of the expenditures from their own funding sources. The change in Section 151.60 will provide a firm basis for districts' budgeting and allow them to take advantage of higher grant indexes if theirs decrease while they are awaiting the issuance of grants.

6) Will this proposed amendment replace an emergency amendment currently ineffect? Yes

7) Does this rulemaking contain an automatic repeal date? No

8) Does this proposed amendment contain incorporations by reference? The rules do not contain an incorporation by reference under Section 5-75 of the Illinois Administrative Procedure Act.

9) Are there any other proposed amendments pending on this Part? No

10) Statement of Statewide Policy Objectives: This rulemaking will not create or enlarge a State mandate.

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Written comments may be submitted within 45 days of the publication of this notice to:

Sally Vogl  
Agency Rules Coordinator  
Illinois State Board of Education  
100 North First Street  
Springfield, Illinois 62777  
(217) 782-3950

12) Initial Regulatory Flexibility Analysis:

## STATE BOARD EDUCATION

## NOTICE OF PROPOSED AMENDMENTS

A) Types of small businesses, small municipalities and not for profit corporations affected: None

B) Reporting, bookkeeping or other procedures required for compliance: None

C) Types of professional skills necessary for compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: This rule was not included on either of the 2 most recent agendas because: The agency's experience with the implementation of this program has only recently led to the conclusion that Section 151.60 needs to be changed.

The full text of the Proposed Amendment is identical to the text of the Emergency Amendment that appears in this issue beginning on page 1338.

DEPARTMENT OF HUMAN SERVICES  
NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Service Planning and Provision

2) Code Citation: 89 Ill. Adm. Code 684

3) Section Numbers: Proposed Action:  
684.30 Amended

4) Statutory Authority: Implementing Section 3 of the Disabled Persons Rehabilitation Act [20 ICS 2405/3].

5) A Complete Description of the Subjects and Issues involved: This amendment and the revision of Section 676.30 are needed to make the two consistent. This rulemaking amends this Section to change the current language to support the definition of "legally responsible family member" and to revise and clarify the details on other individuals who cannot be paid through the Home Services Program to be a customer's service provider. The restrictions have been lessened to allow many relatives to provide these services.

6) Will this proposed rule replace an emergency rule currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this proposed amendment contain incorporations by reference? No

9) Are there any other amendments pending on this Part? No

10) Statement of Statewide Policy Objectives (if applicable): This rulemaking does not create or expand a State mandate.

11) Time, Place, and Manner in which interested persons may comment on this Proposed rulemaking: Interested persons may present their comments concerning this rulemaking within 45 days after this issue of the *Illinois Register*. All requests and comments should be submitted in writing to:

Ms. Susan Weir, Bureau Chief  
Bureau of Administrative Rules and Procedures  
Department of Human Services  
100 South Grand Avenue East  
3rd Floor Harris Bldg.  
Springfield IL 62762  
Telephone number: (217) 785-9772

If because of physical disability you are unable to put comments into writing, you may make them orally to the person listed above.

12) Initial Regulatory Flexibility Analysis:

DEPARTMENT OF HUMAN SERVICES  
NOTICE OF PROPOSED AMENDMENTS

A) Types of small businesses, small municipalities and not for profit corporations affected: None

B) Reporting, bookkeeping or other procedures required for compliance: None

C) Types of professional skills necessary form compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: July 1999

The full text of the Proposed Amendments begins on the next page:



## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF PROPOSED AMENDMENTS

TITLE 89: SOCIAL SERVICES  
CHAPTER IV: DEPARTMENT OF HUMAN SERVICES  
SUBCHAPTER d: HOME SERVICES PROGRAM

PART 684  
SERVICE PLANNING AND PROVISION

- Section  
684.10 Service Plan  
684.20 Procuring an Appropriate Service Provider  
684.30 Family Members as Service Providers  
684.40 Distribution of the Service Plan  
684.50 Service Plan Content  
684.60 Provision of Services  
684.70 Service Planning Limitations  
684.80 Interim Services  
684.90 Coordination of HSP and Other Services  
684.100 Denial or Termination of HSP Services

AUTHORITY: Implementing Section 3 of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3].

SOURCE: Adopted at 19 Ill. Reg. 5129, effective March 21, 1995; recodified from the Department of Rehabilitation Services to the Department of Human Services at 21 Ill. Reg. 9325; amended at 22 Ill. Reg. 18955, effective October 1, 1998; amended at 23 Ill. Reg. 6470, effective May 17, 1999; amended at 23 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

Section 684.30 Family Members Member as Service Providers

The following individuals shall not be paid through HSP to be a customer's service provider.

- a) The customer's legally responsible family members (89 Ill. Adm. Code 676.301).
- b) The customer's spouse or minor child;
- c) The customer's foster parents if the customer is under age 18; or
- d) The customer's stepparents, if the customer is a minor child.
- e) Legally-responsible-family-members-(89-ill-Adm-Code-676-301)-or-a-family-member-for-whom-the-customer-is-legally-responsible-may-not-be-paid-through-HSP-to-be-service-providers---Specifically---these individuals are:
  - 1) a spouse;
  - 2) a parent-of-a-minor-child;-and
  - 3) a minor-child-of-the-customer-receiving-services-
- f) Other-relatives-titer-aunt;-uncles;-first-cousins;-grandparents;-siblings;-may-be-paid-to-provide-services-to-a-customer-only-when
- g) no-other-appropriate-service-providers-can-be-located---the-case file-must-contain-documentation-that-a-serious-and-ongoing-effort

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF PROPOSED AMENDMENTS

- is-being-made-to-locate-another-appropriate-service-provider;-or  
2) the-counselor-has-determined--based-on-documentation-in-the-case file--that-the-family-member-is--the-most-appropriate-service provider--due-to-the-care-involved-or-the-circumstances.  
c) individuals-with-a-lesser-degree-of-relationship-to-the-customer-shall not-be-considered-family-members-for--the-purpose-of-providing services.

(Source: Amended at 23 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

DEPARTMENT OF TRANSPORTATION  
NOTICE OF PROPOSED AMENDMENTS

1) **Heading of the Part:** Business Logo Signing Program

2) **Code Citation:** 92 Ill. Adm. Code 542

3) **Section Numbers:** **Proposed Action:**

542.100	Amend
542.200	Amend
542.300	Amend
542.400	Amend
542.500	Amend
542.600	Amend
542. Appendix A	New Section
542. Illustration A	Repeal
542. Illustration B	Repeal
542. Illustration C	Repeal
542. Illustration D	Repeal
542. Illustration E	Repeal
542. Illustration F	Repeal
542. Illustration G	Repeal
542. Illustration H	Repeal
542. Illustration I	Repeal
542. Illustration J	Repeal

4) **Statutory Authority:** Implementing Section 4.08 of the Highway Advertising Control Act of 1971 [225 ILCS 440/4.08] and Section 49.30 of the Civil Administrative Code of Illinois [20 ILCS 2705/49.30], and authorized by Section 4-201.1 of the Illinois Highway Code [605 ILCS 5/4-201.1], Section 14.01 of the Highway Advertising Control Act of 1971 [225 ILCS 440/14.01], and Section 49.30 of the Civil Administrative Code of Illinois [20 ILCS 2705/49.30].

5) **A Complete Description of the Subjects and Issues Involved:** By this Notice of Proposed Amendments, the Department is revising Part 542 as follows:

The Illustrations are being removed from the Part.

References to "Interstate Highways" are being changed to "freeways" throughout the Part because logo signs may be installed on any freeway not just those that are part of the Interstate Highway System.

At Section 542.100(b), the route listing is being revised to include areas previously excluded, and to exclude areas around Peoria and in Rock Island where the close spacing of the interchanges coupled with necessary directional signs precludes placement of logo signs.

At Section 542.200, the definition of "Freeway" has been added and the definition of "Interstate" has been revised.

DEPARTMENT OF TRANSPORTATION  
NOTICE OF PROPOSED AMENDMENTS

At Section 542.300(a), the Department is adding a sentence to clarify that the number of logo signs allowed is doubled where the freeway carries two or more Interstate Route Numbers. At subsections (c)(2) and (d)(1), provisions have been added to require that those businesses having logo signs on freeway panels must also have signs on ramp panels. This will be required of businesses approved after the effective date of this rulemaking. This new requirement will decrease motorist confusion caused by the absence of some logo signs on ramps. At Section 542.400(b)(1), this revision precludes signing for unstaffed service stations. At subsection (b)(2), a change was made requiring food establishments to be open 6 days a week rather than 7. This change is being made pursuant to the Federal Transportation Equity Act for the 21st Century (TEA-21). The TEA-21 directed that food establishments open 6 days a week rather than 7 could not be prohibited from inclusion in the various states' business logo programs on that basis alone. The TEA-21 did not address any revisions to the 7 day criteria for gas, lodging or camping facilities. At subsections (b)(3) and (4), provisions are being added to preclude signing for lodging and camping facilities that are open on a "members only basis" and not to the general public. At subsection (c)(3), provisions are being added to clarify how distance to a business is measured. This language is necessary to prevent ties when there are more eligible businesses than there are spaces available on the freeway panels. At subsection (c)(4), the Department is clarifying that a business may be signed from more than one freeway and that the business may only be signed once in each direction of travel on any one freeway. At subsection (d)(1), the Department is expanding the number of businesses eligible to be placed on a freeway panel from six to nine in any one category except where two or more Interstate Route Numbers allow for dual signing. Dual signing allows for a total of 12 signs on two freeway panels. The revision to subsection (d)(3) provides consistency with Section 542.400(d)(1) that gives priority for signing to businesses on the basis of closeness to the interchange rather than on time of submission of an application. At subsection (d)(4), this revision explains how empty spaces on freeway panels will be filled.

At subsection (d)(5), provisions have been added to cover the temporary closure of a business. At subsection (d)(6), provisions have been added to cover the permanent closure of a business.

At Section 542.500(a) and (c)(1), these subsections are being revised to clarify sign design details.

At Section 542.600(b)(1), a provision has been added clarifying when an application fee will be charged. At subsection (b)(2), the annual rental fee for freeway and ramp panels has been increased by \$10 for each sign displayed on a panel. This increase is based on actual program costs. Additionally, a revision has been made to this subsection that provides for recomputation of the fees every two years rather than annually.

## DEPARTMENT OF TRANSPORTATION

## NOTICE OF PROPOSED AMENDMENTS

Annual recomputation of fees is unnecessary. At subsection (b)(3), revisions have been made addressing the failure of a business to pay its annual fees. At subsection (b)(4), provisions are being added addressing compensation for the costs of removing logos and installing new ones where such replacement is not due to deterioration, damage or vandalism. This will usually occur due to a change in the logo design. At subsection (c)(1), a provision concerning time of receipt of business signs by the Department - within sixty calendar days - has been added to insure that businesses furnish their logos in a timely manner. Subsection (c)(2) provides that a business that does not comply with this Part has thirty calendar days to make the necessary changes to its operations or its business logos will be removed.

- 6) Will this proposed rulemaking replace an emergency rule currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Do these proposed amendments contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? No

- 10) Statement of Statewide Policy Objectives: The increased number of businesses who will be able to participate in the program and who will benefit from signing will positively impact local municipalities by generating more revenue for the municipalities.

- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Any interested party may submit written comments or arguments concerning this proposed rulemaking. Written submissions shall be filed with:

Mr. Joseph S. Hill  
Chief, Bureau of Operations  
Illinois Department of Transportation  
Division of Highways  
2300 S. Dirksen Parkway  
Springfield, Illinois 62794-9212  
(217) 782-7231

JCAR requests, comments and concerns regarding this rulemaking should be addressed to:

Ms. Christine Caronna-Beard, Rules Manager  
Illinois Department of Transportation  
2300 South Dirksen Parkway  
Room 311  
Springfield, Illinois 62764

## DEPARTMENT OF TRANSPORTATION

## NOTICE OF PROPOSED AMENDMENTS

(217) 782-3215

Comments received within 45 days after the date of publication of this *Illinois Register* will be considered. Comments received after that time will be considered, time permitting.

12) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses, small municipalities and not for profit corporations affected: Those businesses who service travelers with gas, food, lodging or camping and want to participate in the program.
- B) Reporting, bookkeeping or other procedures required for compliance: None
- C) Types of professional skills necessary for compliance: None

- 13) Regulatory Agenda on which this rulemaking was summarized: January 1999

The full text of the Proposed Amendments begins on the next page:

## DEPARTMENT OF TRANSPORTATION

## NOTICE OF PROPOSED AMENDMENTS

TITLE 92: TRANSPORTATION  
CHAPTER I: DEPARTMENT OF TRANSPORTATION  
SUBCHAPTER I: HIGHWAYS

PART 542  
BUSINESS LOGO SIGNING PROGRAM

Section  
542.100 Introduction  
542.200 Definitions  
542.300 Criteria for Specific Service Panels  
542.400 Criteria for Business Signs  
542.500 Panel and Sign Design  
542.600 Application, Fees, and Other Regulations  
APPENDIX A: DISTRICT BOUNDARY MAP

ILLUSTRATION A Typical Signing for Single-Exit Interchanges (Repealed)  
ILLUSTRATION B Typical Signing for Double-Exit Interchanges (Repealed)  
ILLUSTRATION C Example Where an Existing Directional Sign Interferes with Normal Panel Spacing (Repealed)  
ILLUSTRATION D Example Where all Panels Cannot be Erected Ahead of the First Advance Guide Sign (Repealed)  
ILLUSTRATION E Example of Trailblazer Assembly (Repealed)  
ILLUSTRATION F Examples of Interstate Panels for Single-Exit Interchanges (Repealed)  
ILLUSTRATION G Examples of Interstate Panels for Double-Exit Interchanges (Repealed)  
ILLUSTRATION H Example of Two Services on One Interstate Panel (Repealed)  
ILLUSTRATION I Examples of Specific Service Panels Along a Single-Exit Interchange Exit Ramp (Repealed)  
ILLUSTRATION J Examples of Specific Service Panels Along a Double-Exit Interchange Exit Ramp (Repealed)

AUTHORITY: Implementing Section 4.08 of the Highway Advertising Control Act of 1971 [225 ILCS 440/4.08] and Section 49.30 of the Civil Administrative Code of Illinois [20 ILCS 2705/49.30], and authorized by Section 4-201.1 of the Illinois Highway Code, [605 ILCS 5/4-201.1], Section 14.01 of the Highway Advertising Control Act of 1971 [225 ILCS 440/14.01], and Section 49.30 of the Civil Administrative Code of Illinois [20 ILCS 2705/49.30].

SOURCE: Adopted at 5 Ill. Reg. 12823, effective November 3, 1981; codified at 6 Ill. Reg. 15255; Part repealed, new Part adopted at 10 Ill. Reg. 6996, effective April 16, 1986; amended at 23 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## Section 542.100 Introduction

a) This Part has been developed to regulate the use of business logos displayed along various freeways interstate-highways. It establishes

## DEPARTMENT OF TRANSPORTATION

## NOTICE OF PROPOSED AMENDMENTS

standards, specifications, and financial responsibility for a program of placing business logos on specific service panels. The displayed business logos will provide motorists with travel related directional information to facilities offering gas, food, lodging, and camping.

b) This program applies to freeways interstate-highways within the State of Illinois that are under the jurisdiction of the Department. However, because of the close spacing of interchanges, presence of existing critical directional signs, and congestion in the densely populated Chicago, Peoria and St. Louis metropolitan areas, this program will not apply to the following sections of interstate highways:

- 1) Interstate 57 from Interstate 80 northerly to its terminal with Interstate 94.
- 2) ~~Interstate 66 from Interstate 57 easterly to the Indiana-State line-~~  
2)3) Interstate 55 from Interstate 294 northerly to Lake Michigan.  
3)4) Interstate 90.  
4)5) Interstate 94.  
5)6) Interstate 290.  
6)7) Interstate 55/70 from Interstate 255 southerly to the Missouri State line.  
7)8) Interstate 64 from, but not including, Exit 6 ~~Interstate--255~~ westerly to the Missouri State line.  
8) Interstate 74 from, and including, the interchange with Interstate 474 west of Peoria easterly to, and including, the interchange with Interstate 474 east of Peoria.  
9) Interstate 74 from, and including, Exit 4 northerly to the Iowa State line.  
c) In an urbanized area where three consecutive interstate interchanges are each spaced less than one and one-quarter miles apart, logo signing will not be provided.

(Source: Amended at 23 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 542.200 Definitions

The following words or phrases when used in this Part shall have the meanings ascribed to them below.

"Ahead or Advance" - a sign is ahead or in advance of another when it is at a greater distance than the other from the crossroad being signed.

"Business" - an open establishment that provides gas, food, lodging, or camping as a motorist service to the general public.

"Business Sign" - a rectangular sign consisting of a business



## DEPARTMENT OF TRANSPORTATION

## NOTICE OF PROPOSED AMENDMENTS

trademark, name, brand, symbol, or combinations thereof. This sign, also referred to as a logo sign, is displayed on a specific service panel or together with an arrow panel as a trailblazer sign.

"Crossroad" - a public road intersecting the freeway interstate for which an interchange is provided.

"Department" - the Illinois Department of Transportation, with central offices at 2300 South Dickens Parkway, Springfield, Illinois 62764.

"Entrance or Exit Ramps" - lanes entering or leaving the main travelled way of a freeway an-interstate. These lanes provide access between the freeway interstate and the crossroad at an interchange.

"Fiscal Year" - a year beginning July 1 and ending the following June 30.

"Freeway" - a divided highway for through traffic with full control of access and grade separations at crossroads.

"Interchange" - a system of interconnecting ramps providing for the movement of traffic between two roadways on different levels.

"Interstate" - a freeway that is part of the National System of Interstate and Defense Highways and marked with an Interstate Route Number. a--divided-highway--for-through-traffic-with-full-control-of-access--grade-separations-at-crossroads--and-marked-with-an-interstate route-number:

"Service" - a type of facility used by motorists; namely gas, food, lodging, or camping.

"Specific Service Panel" - a rectangular panel, displaying the words gas, food, lodging, or camping, and directional information, on which a business sign is mounted. A panel along the freeway interstate is referred to as a "freeway an-interstate" panel and a panel along the exit ramp or crossroad is referred to as an "exit ramp panel."

"Trailblazer Sign" - a business sign displayed, together with an arrow panel, off the freeway interstate highway system to advise motorists where to turn on the crossroad (when necessary).

"Urbanized Area" - a municipality with a population of 50,000 or more, and its contiguous urban fringe with a population density of 1,000 or more inhabitants per square mile; or a municipality with at least a population of 25,000 together with other contiguous places (incorporated or unincorporated) each with a population density of 1,000 or more inhabitants per square mile, which altogether

## DEPARTMENT OF TRANSPORTATION

## NOTICE OF PROPOSED AMENDMENTS

constitutes for general socioeconomic purposes a single community with a combined population of at least 50,000 inhabitants. The limits of urbanized areas are those approved by the Federal Highway Administration in accordance with Volume 4, Chapter 6, Section 3 of their Federal-aid Program Manual (23 USC 470.107(a)(2) 23-H-S-6-1-Sec-10144).

(Source: Amended at 23 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 542.300 Criteria for Specific Service Panels

## a) Number and Order of Freeway interstate Panels

- 1) One specific service panel for each of the four types of services (gas, food, lodging, and camping) will be erected within the right-of-way of a freeway an-interstate for each direction of travel in advance of an interchange after receipt of the business signs approval by the Department of an application-form for each type of service. Where two or more Interstate Route Numbers are carried over the same roadway, two specific service panels for each of the four types of services will be erected for each direction of travel.
- 2) Specific service panels will not be erected in advance of any exit-only freeway interstate interchange where motorists cannot immediately reenter the freeway interstate and continue in the same direction of travel.
- 3) Specific service panels shall be installed successively in the direction of travel in the following order: CAMPING, LODGING, FOOD, and GAS (i.e., the GAS panel shall be the last specific service panel viewed by motorists before reaching the appropriate exit ramp).
- 4) Where sufficient distance room is not available between interchanges to install all four specific service panels for the four types of services, only the number of panels that can be properly spaced shall be installed. To determine those services that will be signed for, priority will be given to installing one specific service panel for GAS first, one for FOOD second, one for LODGING third, and one for CAMPING fourth, a second panel for GAS fifth, a second panel for Food sixth, a second panel for LODGING seventh, and a second panel for CAMPING last test. However, once a type of service has a specific service panel erected at an interchange, that panel will not be removed because a business establishment from another higher priority service requests to participate.
- 5) All specific service panels shall be ground-mounted.
  - 1) Each specific service panel along the freeway interstate shall be installed at least 800 feet from other panels and/or signs.

## DEPARTMENT OF TRANSPORTATION

## NOTICE OF PROPOSED AMENDMENTS

Where possible, the series of specific service panels in advance of an interchange is to be erected ahead of the first advance guide sign, such as "Main Street 1 Mile." ~~fSee--illustrations--A and--B--~~ Where a guide sign, such as a county line sign, is located ahead of the advance guide sign and obstructs normal panel sequential spacing, the panels shall be spaced so as to incorporate that additional sign. ~~fSee--illustration--E--~~ Where the specific service panels cannot all be properly located ahead of the advance guide sign because of a lack of required longitudinal distance or topography, as many of the panels as possible shall be installed ahead of the advance guide sign and the remaining panel(s) shall be installed closer to the exit ramp but as close to the first advance guide sign as possible, consistent with the previously stated spacing requirements. ~~fSee illustration--B--~~ In any event, the last panel will not be placed closer than 800 feet in advance of either the exit direction sign (displaying the take-off arrow) or the beginning of the exit ramp taper, nor will it be placed any closer than 500 feet from the preceding ~~preceding~~ entrance ramp stub.

- 2) Specific service panels will ~~shall~~ not be erected in advance of entrance ramps from a previous interchange.

- c) Exit Ramp Panels at Single-Exit Interchanges
- 1) Specific service panels will be installed along exit ramps at single-exit interchanges in accordance with Section 542.300(c)(2). These panels will be placed in the same sequential order as those along the freeway ~~interstate~~. Each exit ramp panel shall be installed at least 200 feet from other panels and/or signs.

- 2) Any business establishment that has its logo displayed on an ~~interstate~~ a freeway panel and ~~is not visible to motorists from the exit ramp~~ shall be required to display its logo on an ~~have--a logo--displayed--on--the~~ exit ramp panel at a single-exit interchange. This provision applies to those businesses who receive approval of their applications on or after the effective date of this rulemaking. Only businesses having logos displayed on freeway panels will have logos displayed on exit ramps panels. ~~In making this determination the Department will physically observe whether or not a motorist will be able to determine in what direction the facility is located--Where a business is visible from only one of the ramps a logo need only be displayed on that ramp from which motorists cannot see the business--A business which displays its logo on an interstate panel and is visible to motorists from the exit ramp may choose to have a logo erected on the exit ramp panel if one is present--or--if one is planned to be erected.~~

- 3) The Department will place a supplemental distance sign below the business sign of any establishment over one mile from the exit ramp at single-exit interchanges. Whenever the Department places

## DEPARTMENT OF TRANSPORTATION

## NOTICE OF PROPOSED AMENDMENTS

such sign on an exit ramp panel, it will also place a supplemental distance sign for the business sign of any other business establishment 1/2 mile or more from the ramp. The supplemental sign will indicate the distance to the facility in half-mile increments.

- d) Exit Ramp Panels at Double-Exit Interchanges

- 1) Any business establishment that has its logo displayed on a freeway ~~an interstate panel and is more than one mile from the end of the exit ramp--at--a double-exit interchange shall be required to display its logo on an exit ramp panel at a double-exit interchange.~~ This provision applies to those businesses who receive approval of their applications on or after the effective date of this rulemaking. Only businesses having logos displayed on freeway panels will have logos displayed on exit ramp panels. ~~A business establishment less than one mile from the end of the exit ramp may choose to have a logo erected on the exit ramp panel if one is present or if one is planned to be erected.~~ Ramp panels will be located on the exit ramp, or on the crossroad just off the exit ramp of double-exit interchanges. The Department will place a supplemental distance sign below the business sign of any establishment over one mile from the exit ramp at double-exit interchanges. Whenever the Department places such sign on an exit ramp panel, it will also place a supplemental distance sign for the business sign of any other business establishment 1/2 mile or more from the ramp. The supplemental sign will indicate the distance to the facility in half-mile increments.

(Source: Amended at 23 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 542.400 Criteria for Business Signs

- a) For those sections of freeway ~~interstate~~ routes where business information signs are to be erected, any business establishment meeting the following criteria will ~~shall~~ be considered for placement of a business sign on a specific service panel.

- b) General Criteria

- 1) GAS: Must be open 7 days a week for a minimum of 12 hours a day. It shall have normal service station goods and services, which are telephone, gas, oil, water, and restroom. An attendant must be present at the business at all times the business is open.
- 2) FOOD: Must be open any 6 7 days a week and serve breakfast, lunch, and dinner, or remain open for a minimum of 10 hours each day. It shall be certified by the Illinois Department of Public Health or local health department and have a restroom and telephone.

- 3) LODGING: Must be open 7 days a week. It shall have a telephone,

## DEPARTMENT OF TRANSPORTATION

## NOTICE OF PROPOSED AMENDMENTS

restroom and sleeping accommodations. At least half of the accommodations shall be available to the general public and shall not be restricted to members only.

- 4) CAMPING: Must be open 7 days a week for at least 6 months of the year; it shall have camping and parking accommodations, restroom, telephone, and drinking water. At least half of the accommodations shall be available to the general public and shall not be restricted to members only.

c) Distance to Business

- 1) In a nonurbanized area, a business providing gas, food, or lodging must be within three road miles from a freeway, an interstate interchange, while a business providing camping must be within twenty ten road miles.
- 2) In an urbanized area, a business providing gas, food, or lodging must be within one road mile from a freeway an--interstate interchange, while a business providing camping must be within five road miles.

- 3) The distance to each business establishment will be measured as the travel distance between the end of the appropriate exit ramp and the business establishment facility. The distance to a business on a crossroad will be measured along the centerline of the crossroad from the end of the appropriate exit ramp to the center of the primary entrance to the business. Where the business is located along an intersecting road, the distance will be measured along the centerline of the crossroad to the centerline of the intersecting road and then measured along the centerline of the intersecting road to the center of the primary entrance to the business. Where an entrance serves more than one business, the driving distance using the proper marked driving aisles from the entrance to the parking space available for patrons nearest the business will be added to the distance measured along the crossroad or intersecting road. In the event the Department cannot determine which business establishment is closest to the appropriate exit ramp, priority for the available space will be determined by lottery, coin toss, or any other fair and impartial method determined by the Department. The affected businesses will be allowed to witness such action.

- 4) Signing will be allowed for a business establishment on each freeway from which it qualifies. If a business establishment meets the criteria at more than one interchange on any one freeway, signing will be allowed only from the interchange providing the most direct and best route in each direction from that freeway to the business establishment. In determining the most direct and best route, the Department will consider all relevant conditions including the directness of the route, congestion of the route, speed of travel, length of travel, and ease of locating the facility.

d) Business Signing Priorities

## DEPARTMENT OF TRANSPORTATION

## NOTICE OF PROPOSED AMENDMENTS

- 1) A specific service panel shall have a maximum of nine six-gas business signs, except where two or more Interstate Route Numbers are carried over the same section of roadway, a specific service panel shall have a maximum of six business signs. an-four business-signs-for-either-food--lodging-or-camping. Where there may be more businesses eligible for and desiring signing than the number of signs permitted on a specific service panel, those businesses nearest the exit ramp intersection with the crossroad will be given first priority for signing. Because each exit at an interchange is treated separately, a business establishment may be eligible to sign for only one direction of travel along a freeway an-interstate.
- 2) Those businesses that display their business signs on a freeway an-interstate panel will be assured that the signs will not be removed because of a nearer business as long as they continue to meet the established criteria and continue to pay their annual fees.
- 3) Once businesses are selected for a particular panel, the first eligible business closest to the interchange from which an application was received will have its sign placed on the available space closest to the top left of the panel, and the second closest business will be on the next available space horizontally. On panels for single exit interchanges, after spaces on the top row are filled, signs will be placed along the next row or rows bottom-row in the same manner. Signs will be arranged similarly for double-exit interchanges, except the business at the first exit will have signs on at the top portion of the panels and businesses at the second exit will have signs at the bottom portion of the panels.
- 4) The Department will remove individual business signs within 15 calendar days of a business leaving the program for any reason and such empty space on the specific service panel will constitute public notice that such space is available for another qualifying business. When such removal of individual business signs causes space to become available on any specific service panel and where the panel had, up to that time, the maximum number of individual business signs allowed, the qualifying business closest to the interchange that submits a valid application, including the required application fee, within forty-five calendar days of such removal, not counting the removal date, and that is open to the public on or before the end of the forty-five day time period, will be allowed to display its business sign in the available space. If no qualifying business submits its application within the forty-five day period, the first qualifying business that submits a valid application, including the required application fee, and that is open to the public at the time the application is submitted, will be allowed to display its business sign in the available space.



DEPARTMENT OF TRANSPORTATION  
NOTICE OF PROPOSED AMENDMENTS

- 5) When a business closes due to remodeling, or due to an act of God, including, but not limited to, fire or flood, the business shall notify the Department in writing of the closure within thirty calendar days. Following closure, the business sign will be removed and stored by the Department up to a maximum of six months. If the business remains closed after six months, the space will be declared available. In any event, if the allowable closure period extends to the subsequent fiscal year, the annual rental fee for the business must be paid for that year or the space will be declared available. If the business does not notify the Department in writing within thirty calendar days of the closure, and the Department becomes aware of such closure, the closure will be considered permanent, the business will lose its signing priority and the space will be declared available. When a space is declared available, a new application, including the \$100 application fee, must be submitted for inclusion in the program and its priority will be evaluated among all the other eligible businesses desiring signing at the interchange in question.

- 6) When the business service changes, such as a gas station changing to a food establishment, or when the business closes permanently, the business will lose its signing priority and the space will be declared available. If the business reopens, wishes to take part in this program and is still eligible for signing under this program, and if a space has been declared available, the business shall submit a new application, including the \$100 application fee, and its priority will be evaluated among all the other eligible businesses desiring signing at the interchange in question.

e) Location of Business

- 1) Business on the Crossroad  
Where a business establishment providing gas, food, lodging, or camping is on the crossroad, it will be signed on a freeway ~~an~~ interstate panel if it is visible to the motorists from the crossroad, or if a sign is on the business site advising motorists of the appropriate entrance to the establishment.
- 2) Business Not on the Crossroad  
A) Where a business establishment providing gas, food, or lodging is not on the crossroad, it will be signed on a freeway an--interstate panel if it is visible to the motorists from the crossroad, or if it is visible from a road intersecting the crossroad and has a trailblazer assembly placed on the crossroad advising motorists where to turn. ~~freeway--interstate--R-7~~ The Department will place such trailblazer signs on state highway crossroads for the fee established in Section 542.600(b)(2). Where the crossroad is under local agency jurisdiction, trailblazer signs will not be required if legible signs with directional

DEPARTMENT OF TRANSPORTATION  
NOTICE OF PROPOSED AMENDMENTS

information are present advising motorists where to turn. If such signs are not present, a business needing such signing will be allowed to participate in the program only if the Department can arrange an agreement covering the erection and maintenance of such trailblazer signs with the local agency.

- B) A ~~campground~~ campground not on the crossroad can be signed on a freeway ~~an--interstate~~ panel regardless of the number of turns ~~an~~ if legible signs with directional information are present advising motorists where to turn. The Department will erect trailblazer signs along State-maintained highways for the fee established in Section 542.600(b)(2).

- f) No business will be allowed more than one space on an individual specific service panel; however, a business could qualify for a business sign on more than one type of panel; e.g., both food and lodging.

(Source: Amended at 23 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

Section 542.500 Panel and Sign Design

- a) Freeway Interstate Panel Design  
1) At single-exit interchanges, the type of service and the exit number shall be displayed in one line above the business signs in white legend ten inches in height on a blue background. ~~free~~ illustration-F-7  
2) At double-exit interchanges, the specific service panels shall consist of two sections, one for each exit. The top section shall display the business signs for the first exit and the lower section shall display the business signs for the second exit. The type of service and the exit number shall be displayed in a line above the business signs for each section. ~~free~~ illustration--R-7 Where all businesses of a type of service are at only one exit, the specific service panel will be displayed similarly to that for a single-exit interchange.  
3) When two types of services are combined on the same freeway ~~interstate~~ panel, one service will be displayed on the top half of the panel and the other on the bottom half. ~~free--illustration~~ R-7 The higher priority service shall be displayed on the top half.

b) Exit Ramp Panel Design

- 1) Along exit ramps of single-exit interchanges, the business signs will be displayed in similar order to that on the freeway ~~interstate~~, except that those businesses to the motorists' left will have signs placed at the top of the panel and those to the right will be at the bottom. Directional arrows will be shown on

## DEPARTMENT OF TRANSPORTATION

## NOTICE OF PROPOSED AMENDMENTS

- the panel by the Department. (See illustration 3-7)
- 2) Exit ramp panels of double-exit interchanges are designed similar to those of single-exit interchanges, except without directional arrows. (See illustration 3-7)
- 3) Services will be combined on exit ramp panels, similar similarity to that provided in Section 542.500(a)(3).

## c) Business Sign Design

- 1) The business signs will be designed and supplied by the business to the Department. These signs shall may consist of the business' name, trademark, symbol, or combination thereof, providing it does not resemble any traffic sign, signal, or device. The business' trademark, name, etc., must be the primary message on the sign and directly related to the type of service being accommodated on the specific service panel. The business signs may also contain supplemental messages relating to the primary business, including credit cards honored by that business, ATM machines actually on the property that the business owns or leases, and messages such as "family restaurant", "buses welcome" and "diesel". Proprietary logos or symbols identifying a second business or a supplementary service, other than those identifying credit cards honored by the business, will not be allowed. A business sign may also contain one supplemental word message directly relating to a second motorist service, including, but not limited to, "food mart" on a gas sign, "gas" on a lodging sign, or "(name) restaurant" on a gas or lodging sign. Messages that are not related to motorist services, including, but not limited to, alcoholic beverages, area tourist attractions, dancing, lottery tickets, antiques, and vehicle sales will not be allowed as supplemental messages. Food signs for establishments that are closed one day a week shall include a supplemental message including the day of closure. Any supplemental messages must be an integral part of the business sign and not added as stickers or decals after the business sign has been installed. Any signs that are tampered with by adding or deleting supplemental messages or by altering the name, logo, or symbol or any other portion of the message or design subsequent to their installation will be removed by the Department and the business must furnish new signs in addition to the \$50 per sign reinstatement fee required by Section 542.600(b)(4). Should the service indicated by a supplemental message be discontinued, the business must furnish new business signs without the discontinued message along with the \$50 per sign reinstatement fee required by Section 542.600(b)(4) within sixty days of discontinuation of the service. Covering over the message will not be allowed. Supplemental messages may be omitted on ramp and trailblazer signs if the business desires. Signs shall consistent-on-all-business-signs-for-that-business. Signs shall should have-a-white-border-and-must be fabricated on an aluminum

## DEPARTMENT OF TRANSPORTATION

## NOTICE OF PROPOSED AMENDMENTS

base material between .080 and .125 inches thick. High-performance reflectorized Retrolux background sheeting material shall be utilized for the signs. The size of the signs to be placed on freeway interstate panels, exit ramp panels, and trailblazer assemblies shall be as follows: shown-on-the illustrations.

	CAS		FOOD, LODGING CAMPING	
	Width	Height	Width	Height
FREEWAY	48"	36"	60"	36"
EXIT RAMP	24"	18"	24"	18"
TRAILBLAZER	24"	18"	24"	18"

In order to ensure that the signs meet all of these requirements, businesses shall furnish a sign design to the Department for approval within thirty calendar days after approval of their application. If the sign design is not received by the Department within the thirty day time period, the space will be declared available.

- 2) Any campground not open the entire year must have its opening and closing months shown on its business signs on the exit ramps. (See illustrations 1 and 3-7)

(Source: Amended at 23 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 542.600 Application, Fees, and Other Regulations

## a) Application

- 1) As a freeway on-interstate route is scheduled to have business logo signs displayed for the first time, the Department will publish in local newspapers a notice soliciting participation from businesses offering gas, food, lodging, and camping along that freeway interstate.
- 2) Application forms will be available from the Department for all businesses that could qualify to have business signs displayed on specific service panels. If a business wishes to participate in this program, it must complete an application form for each specific service for which it wishes to sign and submit it to the Department by the deadline date indicated in the newspaper notice. Applications received after the indicated date will be considered if space is still available on the freeway interstate panels.
- 3) Where the Department determines from the initial application that the business meets the criteria listed in this Part and space is available, the application will be approved and returned to the

## DEPARTMENT OF TRANSPORTATION

## NOTICE OF PROPOSED AMENDMENTS

business along with instructions concerning the number and location of the business signs, the annual fee, and other appropriate information.

## b) Fees

- 1) A \$100 application fee for each type of service signing requested by a business establishment must be submitted to the Department with the application. The \$100 application fee for each requested service signing not approved will be refunded. A \$100 application fee will also be charged when a business reapplies for signing after their signs have been removed due to late rental payments or withdrawal from the program, or when a business changes its name and its ownership at the same time.
- 2) An annual rental fee sufficient to offset the cost of this program will be charged for each business sign displayed on a freeway on-interstate panel, exit ramp panel, and trailblazer assembly. Initially, the annual rental fees will be \$185 \$475 for each business sign displayed on a freeway on-interstate panel, \$125 for each business sign displayed on an exit ramp panel, and \$25 for each business sign displayed on a trailblazer assembly. These rental fees are based on recovering the Department's investment in 30 years and based on a 30 year life for posts and foundations, 15 year life for initial sign panels, 15 year life for overlay panels, 1 percent annual replacement, 5 percent rate of inflation, and 50 percent participation from eligible businesses. Every other At-the-end-of-each fiscal year, the Department will recompute the fees so as to reflect the cost of maintaining the signing system, amortize the construction cost, and reflect the number of businesses participating in the program. Fees will be collected on an annual basis. When a business establishment makes an annual payment, it will be guaranteed usage of the paid space on the specific service panel for the entire year, as long as it meets the established criteria. Any business closing or withdrawing from the program after making its annual payment will not be given a refund. A prorated fee will be charged for signs erected for a partial year.
- 3) Where payment is not received by the Department within thirty calendar 30 days of the due date, the business sign(s) will be removed by the Department. Where receipt of payment is delinquent and a specific service panel is full, the business establishment will lose its signing priority to the next qualifying business desiring the space. When the fee is received after the business sign is removed, and space is still available on the panel, a fee of \$100 will be charged for reapplication as provided for in Section 542.600(b)(1), reinstatement in addition to the full annual fee for the remainder of the fiscal year, as well as that portion of the annual fee owed for the period of time between the end of the preceding fiscal year and the date

## DEPARTMENT OF TRANSPORTATION

## NOTICE OF PROPOSED AMENDMENTS

- 4) the sign(s) was removed.  
A fee of \$50 for each business sign will be charged for a business requesting that its signs be replaced with new signs for any reason other than due to deterioration, damage, or vandalism as provided for in Section 542.600(c)(1). Where such replacement is requested, all business signs for the specific business, including those on freeway and exit ramp panels, as well as any trailblazer signs, must be replaced at the same time.

## c) Placing and Maintaining Business Signs

- 1) Businesses, at their expense, must supply their own business signs to the Department within sixty calendar days after approval of their design. If the signs are not received by the Department within the sixty calendar day time period, the space will be declared available. Only the Department will place, or cause to be placed, the business signs on the specific service panels and trailblazer assemblies. When a business sign is so deteriorated, damaged, or vandalized that it needs replacement, the Department will notify its owner to fabricate a new sign. There will be no charge for this replacement of the business sign.
- 2) Businesses will be required to certify on the application that they meet the established criteria. When the Department receives a complaint that a business may not comply, the suspected business will be contacted by the Department to determine if it meets the established criteria. If it is determined the business establishment facility fails to qualify, the business must change its operation within thirty calendar days of notification by the Department so as to comply or its business logos will be removed.

(Source: Amended at 23 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)



DEPARTMENT OF TRANSPORTATION  
NOTICE OF PROPOSED AMENDMENTS

Section 542, APPENDIX A, DISTRICT BOUNDARY MAP

DISTRICT ENGINEERS

DISTRICT 1

20 WEST CENTER COURT  
SCHAUMBURG, ILLINOIS 60196-1096  
PHONE: 847/764-4000

DISTRICT 2

813 DEPOSIT AVENUE  
CHICAGO, ILLINOIS 60646-3446  
PHONE: 815/294-2271

DISTRICT 3

729 EAST MORRIS DRIVE  
P.O. BOX 697  
CHICAGO, ILLINOIS 60646-0697  
PHONE: 815/344-6321

DISTRICT 4

401 MAIN STREET  
PROLOG, ILLINOIS 61822-1111  
PHONE: 309/713-3333

DISTRICT 5

ROUTE 123 WEST - P.O. BOX 610  
SPRINGFIELD, ILLINOIS 62768-0610  
PHONE: 217/465-4181

DISTRICT 6

126 EAST ASH STREET  
SPRINGFIELD, ILLINOIS 62704-1156  
PHONE: 217/782-7261

DISTRICT 7

400 WEST WABASH  
CHICAGO, ILLINOIS 60604-3699  
PHONE: 212/464-3951

DISTRICT 8

1102 EASTPORT PLAZA DRIVE  
COLUMBIAVILLE, ILLINOIS 62234-4198  
PHONE: 618/236-1120

DISTRICT 9

2001 TRANSPORTATION BUILDING  
P.O. BOX 100  
CARBONDALE, ILLINOIS 62903-0100  
PHONE: 618/457-5111



DEPARTMENT OF TRANSPORTATION  
NOTICE OF PROPOSED AMENDMENTS

(Source: Added at 23 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

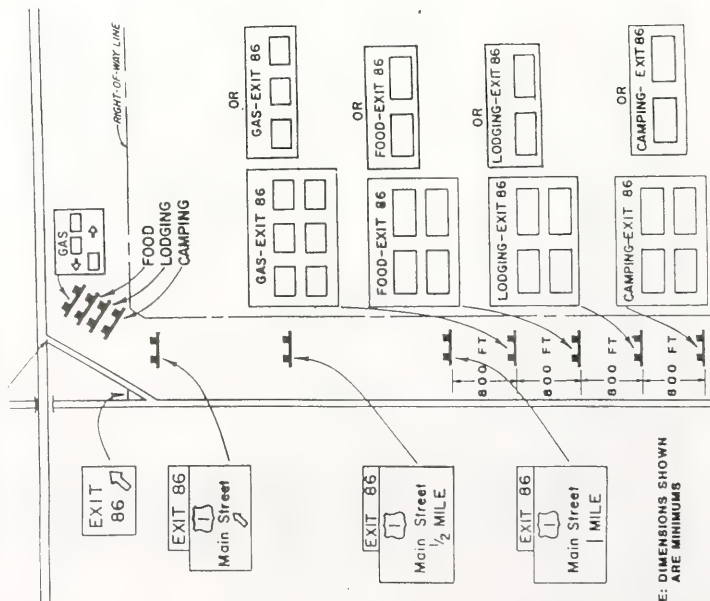
DEPARTMENT OF TRANSPORTATION  
NOTICE OF PROPOSED AMENDMENTS

(Source: Repealed at 23 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

DEPARTMENT OF TRANSPORTATION  
NOTICE OF PROPOSED AMENDMENTS

Section 542. ILLUSTRATION A Typical Signing for Single-Exit Interchanges  
(Repealed)

THE TRAVEL DISTANCE TO BE SHOWN ON SIGNS AND THE MINIMUM DISTANCE CRITERIA SHALL BE MEASURED FROM THIS POINT



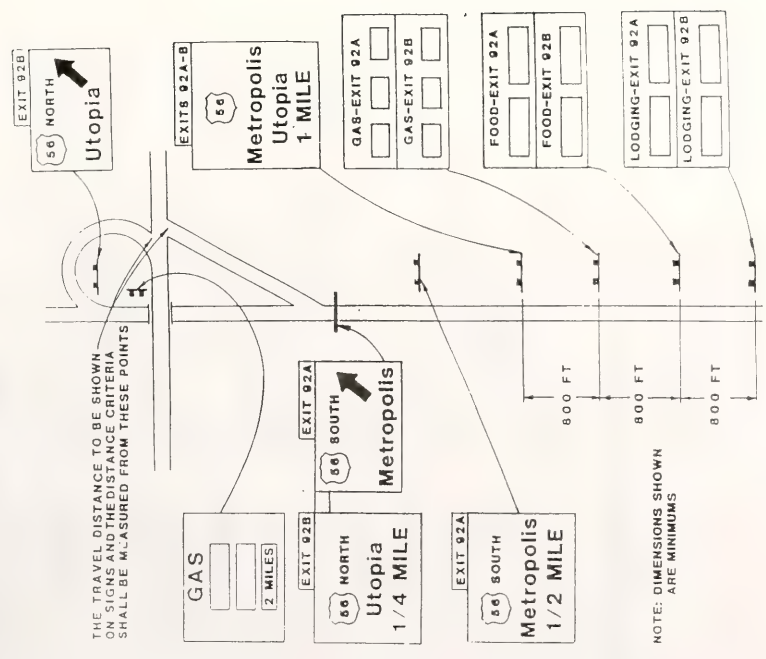
NOTE: DIMENSIONS SHOWN ARE MINIMUMS

DEPARTMENT OF TRANSPORTATION  
NOTICE OF PROPOSED AMENDMENTS

(Source: Repealed at 23 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

DEPARTMENT OF TRANSPORTATION  
NOTICE OF PROPOSED AMENDMENTS

Section 542. ILLUSTRATION B Typical Signing for Double-Exit Interchanges  
(Repeated)





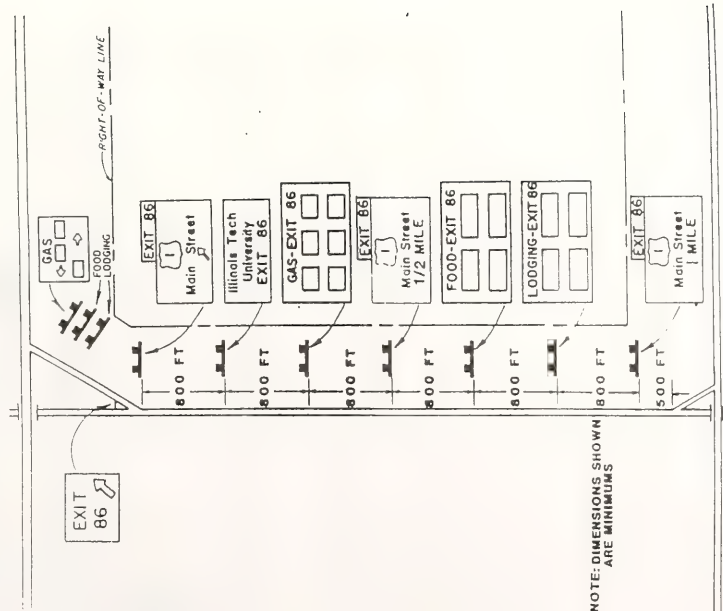


## DEPARTMENT OF TRANSPORTATION

## NOTICE OF PROPOSED AMENDMENTS

Section 542. ILLUSTRATION D Example Where all Panels Cannot be Erected Ahead of the First Advance Guide Sign (Repealed)

(Source: Repealed at 23 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)



DEPARTMENT OF TRANSPORTATION  
NOTICE OF PROPOSED AMENDMENTS

Section 542. ILLUSTRATION B Example of Trailblazer Assembly (Repealed)



DEPARTMENT OF TRANSPORTATION  
NOTICE OF PROPOSED AMENDMENTS

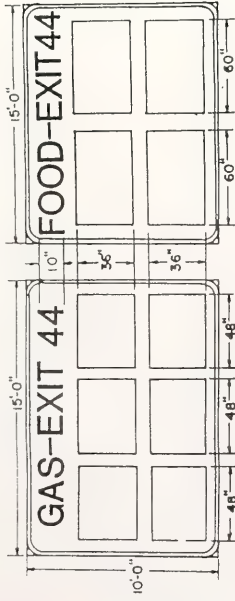
(Source: Repealed at 23 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

DEPARTMENT OF TRANSPORTATION  
NOTICE OF PROPOSED AMENDMENTS

(Source: Repealed at 23 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

DEPARTMENT OF TRANSPORTATION  
NOTICE OF PROPOSED AMENDMENTS

Section 542. ILLUSTRATION F Examples of Interstate Panels for Single-Exit Interchanges (Repealed)

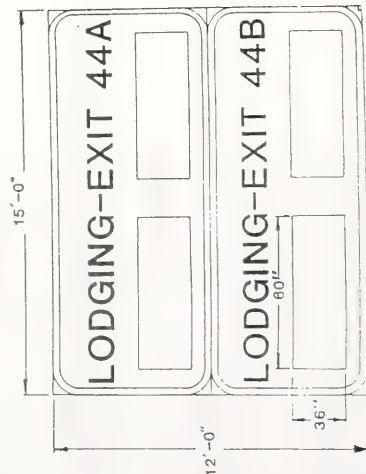
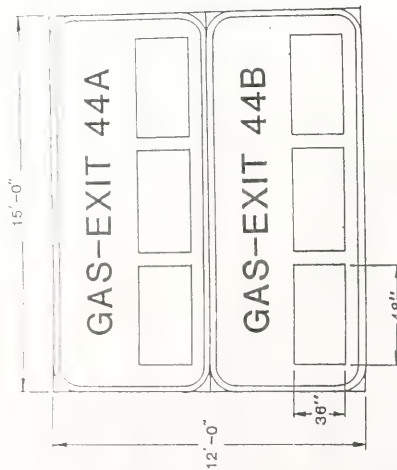


DEPARTMENT OF TRANSPORTATION  
NOTICE OF PROPOSED AMENDMENTS

(Source: Repealed at 23 Ill. Reg. \_\_\_\_\_ effective \_\_\_\_\_)

DEPARTMENT OF TRANSPORTATION  
NOTICE OF PROPOSED AMENDMENTS

Section 542. ILLUSTRATION G Examples of Interstate Panels for Double-Exit Interchanges (Repealed)

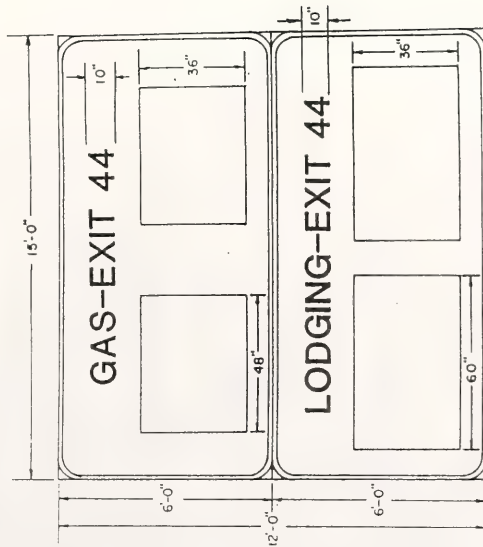




## DEPARTMENT OF TRANSPORTATION

## NOTICE OF PROPOSED AMENDMENTS

Section 542. ILLUSTRATION H Example of Two Services on One Interstate Panel  
(Repealed)



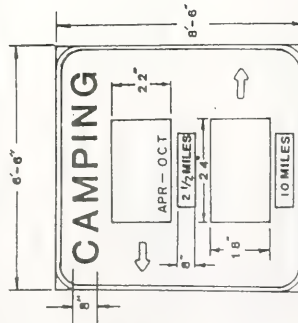
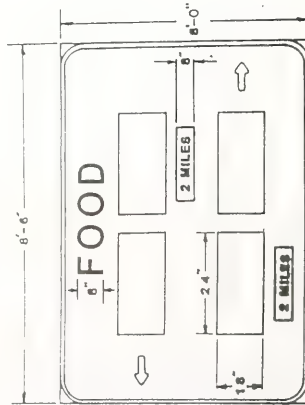
## DEPARTMENT OF TRANSPORTATION

## NOTICE OF PROPOSED AMENDMENTS

(Source: Repealed at 23 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

DEPARTMENT OF TRANSPORTATION  
NOTICE OF PROPOSED AMENDMENTS

Section 542. ILLUSTRATION I Examples of Specific Service Panels Along a  
Single-Exit Interchange Exit Ramp (Repealed)



DEPARTMENT OF TRANSPORTATION  
NOTICE OF PROPOSED AMENDMENTS

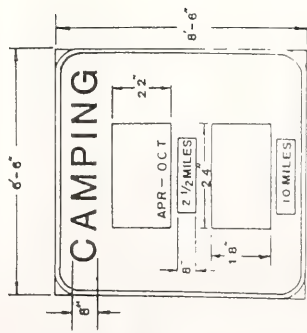
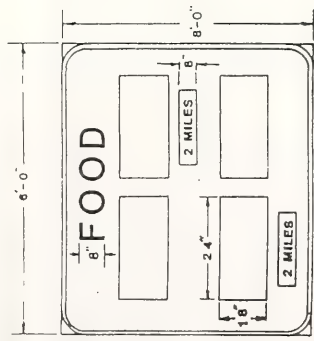
(Source: Repealed at 23 Ill. Reg. \_\_\_\_\_, effective  
\_\_\_\_\_)

DEPARTMENT OF TRANSPORTATION  
NOTICE OF PROPOSED AMENDMENTS

(Source: Repealed at 23 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

DEPARTMENT OF TRANSPORTATION  
NOTICE OF PROPOSED AMENDMENTS

Section 542. ILLUSTRATION J Examples of Specific Service Panels Along a Double-Exit Interchange Exit Ramp (Repealed)



DEPARTMENT OF TRANSPORTATION  
NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Driving and Parking
- 2) Code Citation: 92 Ill. Adm. Code 397
- 3) Section Numbers: Proposed Action:  
397.1010 Amend  
397.1020 Amend
- 4) Statutory Authority: Implementing, and authorized by Sections 18b-102 and 18b-105 of, the Illinois Motor Carrier Safety Law [625 ILCS 5/Ch. 18B].
- 5) A Complete Description of the Subjects and Issues Involved: At Section 397.1010(c), the Department is updating the reference to the agricultural exception found in the federal regs. Additionally, the Department is updating the date of incorporation by reference of 49 CFR 397 as of October 1, 1998. Finally, the heading of the Part is being revised for consistency with 49 CFR 397.
- 6) Will this proposed rulemaking replace an emergency rule currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this proposed amendment contain incorporations by reference? Yes
- 9) Are there any other proposed amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives: This proposed amendment will affect units of local government that own or operate commercial motor vehicles.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Any interested party may submit written comments or arguments concerning this proposed rulemaking. Written submissions shall be filed with:

By U.S. Mail:

Ms. Cathy Allen  
Regulations Unit  
Illinois Department of Transportation  
Division of Traffic Safety  
P.O. Box 19212  
Springfield, Illinois 62794-9212  
(217) 785-1181

By Messenger or Inter-Agency Mail:

DEPARTMENT OF TRANSPORTATION  
NOTICE OF PROPOSED AMENDMENTS

DOT Annex Building  
3215 Executive Park Drive  
Commercial Vehicle Safety; 3rd Floor  
Springfield, Illinois

JCAR requests, comments and concerns regarding this rulemaking should be addressed to:

Ms. Christine Caronna-Beard, Rules Manager  
Illinois Department of Transportation  
2300 South Dirksen Parkway  
Room 311  
Springfield, Illinois 62764  
(217) 782-3215

Comments received within 45 days after the date of publication of this Illinois Register will be considered. Comments received after that time will be considered, time permitting.

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: These proposed amendments affect small businesses that own or operate commercial motor vehicles.

B) Reporting, bookkeeping or other procedures required for compliance: No new or additional procedures are required.

C) Types of professional skills necessary for compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: July 1999

The full text of the Proposed Amendments begins on the next page:



## DEPARTMENT OF TRANSPORTATION

## NOTICE OF PROPOSED AMENDMENTS

TITLE 92: TRANSPORTATION  
 CHAPTER 1: DEPARTMENT OF TRANSPORTATION  
 SUBCHAPTER d: MOTOR CARRIER SAFETY REGULATIONS

PART 397  
 TRANSPORTATION OF HAZARDOUS MATERIALS; DRIVING AND PARKING

## Section

397.1000 General

397.1010 Application

397.1020 Incorporation By Reference of 49 CFR 397

AUTHORITY: Implementing, and authorized by Sections 18b-102 and 18b-105 of, the Illinois Motor Carrier Safety Law [625 ILCS 5/Ch. 18b].

SOURCE: Adopted at 3 Ill. Reg. 5, p. A1, effective February 1, 1979; codified at 8 Ill. Reg. 17986; recodified from 92 Ill. Adm. Code 397 Subchapter C at 14 Ill. Reg. 3281; Part repealed, new Part adopted at 14 Ill. Reg. 15496, effective September 10, 1990; amended at 15 Ill. Reg. 13158, effective August 21, 1991; amended at 18 Ill. Reg. 736, effective January 11, 1994; amended at 19 Ill. Reg. 13035, effective August 30, 1995; amended at 20 Ill. Reg. 15327, effective November 19, 1996; amended at 23 Ill. Reg. 5090, effective March 31, 1999; amended at 23 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## Section 397.1010 Application

a) This Part applies to each motor carrier engaged in the transportation of hazardous materials by a motor vehicle which must be marked or placarded in accordance with "Carriage by Public Highway" (49 CFR 177.823) and to:

- 1) Each officer or employee of the motor carrier who performs supervisory duties related to the transportation of hazardous materials; and
- 2) Each person who operates or who is in charge of a motor vehicle containing hazardous materials.

b) Each person designated in subsection (a) must know and obey the rules in this Part.

c) The provisions of 92 Ill. Adm. Code 397 do not apply to the transportation in Illinois of hazardous materials by a farmer when in approved containers and in the amounts and manner specified in 92 Ill. Adm. Code 171.22, Agricultural Exception. ~~This Part does not apply to the transportation of hazardous materials cited in 92 Ill. Adm. Code 171.5; agricultural exception when such commodities are transported from retailer to final agricultural end user; or between final end users from farm to farm in approved containers and in the amounts and manner specified.~~

(Source: Amended at 23 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## DEPARTMENT OF TRANSPORTATION

## NOTICE OF PROPOSED AMENDMENTS

## Section 397.1020 Incorporation By Reference of 49 CFR 397

a) The Department incorporates "Transportation of Hazardous Materials: Driving and Parking" (49 CFR 397) by reference as that part of the Federal Motor Carrier Safety Regulations (FMCSR) (49 CFR 390, 391, 392, 393, 395, 396, and 397) that was in effect on October 1, 1990 ~~1997--as amended at 62 FR 33254, June 18, 1998, subject only to the exceptions in subsections (b) and (c). No later amendments to or editions of 49 CFR 397 are incorporated.~~

b) 49 CFR Section 397.1 is deleted and not incorporated.

c) 49 CFR Section 397.2 is deleted and not incorporated.

d) References to subchapters, parts, subparts, sections or paragraphs shall be read to refer to the appropriate citation in 49 CFR.

e) The following addition to 49 CFR 397 shall apply for purposes of this Part.

Authorized Illinois State Police shall place drivers out-of-service for any violation of the Illinois Motor Carrier Safety Law [625 ILCS 5/Ch. 18b] or the Illinois Motor Carrier Safety Regulations that warrants placing the driver out-of-service under the "North American Uniform Out-of-Service Criteria" as defined at 92 Ill. Adm. Code 390.1020.

(Source: Amended at 23 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

DEPARTMENT OF TRANSPORTATION  
NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Driving of Motor Vehicles
- 2) Code Citation: 92 Ill. Adm. Code 392
- 3) Section Numbers: Proposed Action:  
392.2000 Amend
- 4) Statutory Authority: Implementing, and authorized by Sections 18b-102 and 18b-105 of, the Illinois Motor Carrier Safety Law [625 ILCS 5/Ch. 18B].
- 5) A Complete Description of the Subjects and Issues Involved: By this Notice of Proposed Amendment, the Department is updating the date of incorporation by reference of 49 CFR 392 as of October 1, 1998. Additionally, the heading of this Part is being amended for consistency with the heading of 49 CFR 392.
- 6) Will this proposed rulemaking replace an emergency rule currently in effect? No

- 7) Does this rulemaking contain an automatic repeal date? No

- 8) Does this proposed amendment contain incorporations by reference? Yes

- 9) Are there any other proposed amendments pending on this Part? No

- 10) Statement of Statewide Policy Objectives: This proposed amendment will affect units of local government that own or operate commercial motor vehicles.

- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Any interested party may submit written comments or arguments concerning this proposed rulemaking. Written submissions shall be filed with:

By U.S. Mail:

Ms. Cathy Allen  
Regulations Unit  
Illinois Department of Transportation  
Division of Traffic Safety  
P.O. Box 19212  
Springfield, Illinois 62794-9212  
(217) 785-1181

By Messenger or Inter-Agency Mail:

DOT Annex Building  
3215 Executive Park Drive

DEPARTMENT OF TRANSPORTATION  
NOTICE OF PROPOSED AMENDMENT

Commercial Vehicle Safety: 3rd Floor  
Springfield, Illinois

JCAR requests, comments and concerns regarding this rulemaking should be addressed to:

Ms. Christine Caroma-Beard, Rules Manager  
Illinois Department of Transportation  
2300 South Dirksen Parkway  
Room 311  
Springfield, Illinois 62764  
(217) 782-3215

Comments received within 45 days after the date of publication of this *Illinois Register* will be considered. Comments received after that time will be considered, time permitting.

12) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses, small municipalities and not for profit corporations affected: This proposed amendment affects small businesses that own or operate commercial motor vehicles.

- B) Reporting, bookkeeping or other procedures required for compliance: No new or additional procedures are required.

- C) Types of professional skills necessary for compliance: None

- 13) Regulatory Agenda on which this rulemaking was summarized: July 1999

The full text of the Proposed Amendments begins on the next page:

## DEPARTMENT OF TRANSPORTATION

## NOTICE OF PROPOSED AMENDMENT

TITLE 92: TRANSPORTATION  
 CHAPTER 1: DEPARTMENT OF TRANSPORTATION  
 SUBCHAPTER d: MOTOR CARRIER SAFETY REGULATIONS

PART 392  
 DRIVING OF COMMERCIAL MOTOR VEHICLES

## Section

392.1000 General

392.2000 Incorporation by Reference of 49 CFR 392

AUTHORITY: Implementing, and authorized by Sections 18b-102 and 18b-105 of, the Illinois Motor Carrier Safety Law [625 ILCS 5/Ch. 18B].

SOURCE: Adopted at 14 Ill. Reg. 15503, effective September 10, 1990; amended at 15 Ill. Reg. 13155, effective August 21, 1991; amended at 18 Ill. Reg. 740, effective January 11, 1994; amended at 18 Ill. Reg. 10359, effective June 15, 1994; amended at 19 Ill. Reg. 13038, effective August 30, 1995; amended at 20 Ill. Reg. 15330, effective November 18, 1996; amended at 23 Ill. Reg. 5093, effective March 31, 1999; amended 23 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## Section 392.2000 Incorporation by Reference of 49 CFR 392

- a) "Driving of Commercial Motor Vehicles" (49 CFR 392) is incorporated by reference, as that part of the Federal Motor Carrier Safety Regulations (FMCSR) (49 CFR 390, 391, 392, 393, 395, 396, and 397) that was in effect on October 1, 1994~~1997~~~~as amended at 63-FR-39254, 63-187--1998~~. No later amendments to or editions of 49 CFR 392 are incorporated.
- b) References to subchapters, parts, subparts, sections or paragraphs shall be read to refer to the appropriate citation in the FMCSR.
- c) The following addition to 49 CFR 392 shall apply for purposes of this Part.

Authorized Illinois State Police shall place drivers out-of-service for any violation of the Illinois Motor Carrier Safety Law [625 ILCS 5/Ch. 18B] or the Illinois Motor Carrier Safety Regulations that warrants placing the driver out-of-service under the "North American Uniform Out-of-Service Criteria" as defined at 92 Ill. Adm. Code 390.1020.

(Source: Amended at 23 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## DEPARTMENT OF TRANSPORTATION

## NOTICE OF PROPOSED AMENDMENT

1) Heading of the Part: Hours of Service of Drivers2) Code Citation: 92 Ill. Adm. Code 3953) Section Numbers:  
395.2000  
Proposed Action:  
Amend4) Statutory Authority: Implementing, and authorized by Sections 18b-102 and 18b-105 of, the Illinois Motor Carrier Safety Law [625 ILCS 5/Ch. 18B].5) A Complete Description of the Subjects and Issues Involved: By this notice of proposed amendment, the Department is updating the date of incorporation by reference of 49 CFR 395 as of October 1, 1998. The Department is also, among other things, adding an Agency Note to cross reference the pending rules on public utility exemptions for commercial motor vehicles owned or operated by a public utility and found at 92 Ill. Adm. Code 386.6) Will this proposed rulemaking replace an emergency rule currently in effect? No7) Does this rulemaking contain an automatic repeal date? No8) Does this proposed amendment contain incorporations by reference? Yes9) Are there any other proposed amendments pending on this Part? No10) Statement of Statewide Policy Objectives: This proposed amendment will affect units of local government that own or operate commercial motor vehicles.11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Any interested party may submit written comments or arguments concerning this proposed rulemaking. Written submissions shall be filed with:

By U.S. Mail:

Ms. Cathy Allen  
 Regulations Unit  
 Illinois Department of Transportation  
 Division of Traffic Safety  
 P.O. Box 19212  
 Springfield, Illinois 62794-9212  
 (217) 785-1181

By Messenger or Inter-Agency Mail:

DEPARTMENT OF TRANSPORTATION  
NOTICE OF PROPOSED AMENDMENT

DOT Annex Building  
3215 Executive Park Drive  
Commercial Vehicle Safety; 3rd Floor  
Springfield, Illinois

JCAR requests, comments and concerns regarding this rulemaking should be addressed to:

Ms. Christine Caronna-Beard, Rules Manager  
Illinois Department of Transportation  
2300 South Dirksen Parkway  
Room 311  
Springfield, Illinois 62764  
(217) 782-3215

Comments received within 45 days after the date of publication of this Illinois Register will be considered. Comments received after that time will be considered, time permitting.

12) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses, small municipalities and not for profit corporations affected: This proposed amendment affects small businesses that own or operate commercial motor vehicles.
- B) Reporting, bookkeeping or other procedures required for compliance: No new or additional procedures are required.
- C) Types of professional skills necessary for compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: July 1999

The full text of the Proposed Amendment begins on the next page:

DEPARTMENT OF TRANSPORTATION  
NOTICE OF PROPOSED AMENDMENT

TITLE 92: TRANSPORTATION  
CHAPTER 1: DEPARTMENT OF TRANSPORTATION  
SUBCHAPTER 6: MOTOR CARRIER SAFETY REGULATIONS

PART 395

HOURS OF SERVICE OF DRIVERS

Section  
395.1000 General  
395.2000 Incorporation by Reference of 49 CFR 395

**AUTHORITY:** Implementing, and authorized by Sections 18b-102 and 18b-105 of, the Illinois Motor Carrier Safety Law [625 ILCS 5/Ch. 18B].

**SOURCE:** Adopted at 14 Ill. Reg. 15507, effective September 10, 1990; amended at 15 Ill. Reg. 13161, effective August 21, 1991; amended at 16 Ill. Reg. 14425, effective September 8, 1992; amended at 18 Ill. Reg. 743, effective January 11, 1994; amended at 19 Ill. Reg. 13041, effective August 30, 1995; amended at 20 Ill. Reg. 15335, effective November 18, 1996; amended at 23 Ill. Reg. 5096, effective March 31, 1999; amended at 23 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

**Section 395.2000 Incorporation by Reference of 49 CFR 395**

- a) "Hours of Service of Drivers" (49 CFR 395) is incorporated by reference, as that part of the Federal Motor Carrier Safety Regulations (FMCSR) (49 CFR 390, 391, 392, 393, 395, 396 and 397) that was in effect on October 1, 1998 1997, ~~as amended at 63-FR-33254-June 18-1996~~, subject only to the exceptions in subsection (c). No later amendments to or editions of 49 CFR 395 are incorporated.
- b) References to subchapters, parts, subparts, sections or paragraphs shall be read to refer to the appropriate citation in 49 CFR.
- c) The following interpretations of, additions to and deletions from 49 CFR 395 shall apply for purposes of this Part.
- 1) 49 CFR Sections 395.1(h)(4) and 395.1(i)(4) are deleted and not incorporated.
  - 2) 49 CFR Section 395.1(e) as it applies to intrastate carriers is amended to establish that drivers shall operate within a 150 air-mile radius of the normal working location to qualify for exempt status. (Section 18b-105(d) of the Illinois Motor Carrier Safety Law (the Law) [625 ILCS 5/18b-105(d)])
  - 3) 49 CFR Section 395.13 is not incorporated and the following substituted therefor:
    - A) Authority to declare drivers out-of-service due to any violation of the Illinois Motor Carrier Safety Law [625 ILCS 5/Ch. 18B] or the Illinois Motor Carrier Safety Regulations that warrants placing the driver out-of-service under the "North American Uniform Out-of-Service Criteria" as defined in 92 Ill. Adm. Code 390.1020. Every Illinois State Police



## DEPARTMENT OF TRANSPORTATION

## NOTICE OF PROPOSED AMENDMENT

officer certified to conduct Commercial Vehicle Inspections, Levels 1, 2, or 3 (as defined in 92 Ill. Adm. Code 390) is authorized to declare a driver out-of-service as set forth in subsection (c)(3)(B) and to notify the motor carrier of that declaration upon finding at the time and place of examination that declaring the driver out-of-service is warranted.

## B) Out-of-Service Criteria

- i) No driver shall drive after being on duty in excess of the maximum periods permitted by 49 CFR 395.
- ii) No driver required to maintain a record of duty status under 49 CFR 395.8 or 395.15 shall fail to have a record of duty status current on the day of examination and for the prior seven consecutive days.
- iii) Exception. A driver failing only to have possession of a record of duty status current on the day of examination and the prior day, but who has completed records of duty status up to that time (previous 6 days), will be given the opportunity to make the duty status record current.

## C) Responsibilities of motor carriers

- i) No motor carrier shall:
  - Require or permit a driver who has been declared out-of-service to operate a commercial motor vehicle until that driver may lawfully do so under the requirements in 49 CFR 395;
  - Require a driver who has been declared out-of-service for failure to prepare a record of duty status to operate a commercial motor vehicle until that driver has been off duty for eight consecutive hours and is in compliance with this Section. The consecutive eight hour off duty period may include sleeper berth time.
  - ii) A motor carrier shall, if required (refer to 92 Ill. Adm. Code 396.2010 for requirement), complete the "Notice to Motor Carrier" portion of the Form ISP 5-238 (Illinois Commercial Driver/Vehicle Inspection Report) and deliver the copy of the form either personally or by mail to the Illinois State Police Motor Carrier Safety Section at the address specified upon the form within 15 days following the date of examination. If the motor carrier mails the form, delivery is made on the date it is postmarked.
- D) Responsibilities of the Driver:
  - i) No driver who has been declared out-of-service shall operate a commercial motor vehicle until that driver may lawfully do so under the requirements of 49 CFR 395.
  - ii) No driver who has been declared out-of-service, for

## DEPARTMENT OF TRANSPORTATION

## NOTICE OF PROPOSED AMENDMENT

failing to prepare a record of duty status, shall operate a commercial motor vehicle until the driver has been off duty for eight consecutive hours and is in compliance with this Section.

- iii) A driver to whom a form has been tendered declaring the driver out-of-service shall within 24 hours thereafter deliver or mail the copy to a person or place designated by motor carrier to receive it.
- iv) This Section does not alter the hazardous materials requirements prescribed in 92 Ill. Adm. Code 397 pertaining to attendance and surveillance of commercial motor vehicles.
- 4) Part 395 shall not apply to agricultural movements that are engaged in intrastate commerce during planting and harvesting season as defined in 92 Ill. Adm. Code 390.1020. (Section 18b-105(c)(6) of the Law) ~~461-24-54677-April-37-49964~~
- 5) Part 395 shall not apply to all farm to market agricultural transportation as defined in 92 Ill. Adm. Code 390.1020 that is engaged in intrastate commerce. (Section 18b-105(c)(6) of the Law)
- 6) Part 395 shall not apply to any grain hauling operations that are engaged in intrastate commerce within a radius of 200 air miles of the normal work reporting location. (Section 18b-105(c)(6) of the Law)

Agency Note: See 92 Ill. Adm. Code 386, Subpart C: Public Utility Exemptions, for provisions relating to possible exemptions from the IMCSR for applicable intrastate public utility commercial motor vehicles.

(Source: Amended at 23 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## DEPARTMENT OF TRANSPORTATION

## NOTICE OF PROPOSED AMENDMENT

1) Heading of the Part: Inspection, Repair and Maintenance

2) Code Citation: 92 Ill. Adm. Code 396

3) Section Numbers: Proposed Action:

396.2000 Amend

396.2010 Amend

4) Statutory Authority: Implementing, and authorized by Sections 18b-102 and 18b-105 of, the Illinois Motor Carrier Safety Law [625 ILCS 5/Ch. 18B].

5) A Complete Description of the Subjects and Issues Involved: By this Notice of Proposed Amendment, the Department is updating the date of incorporation by reference of 49 CFR 396 as of October 1, 1996.

6) Will this proposed rulemaking replace an emergency rule currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this proposed amendment contain incorporations by reference? Yes

9) Are there any other proposed amendments pending on this Part? No

10) Statement of Statewide Policy Objectives: This proposed amendment will affect units of local government that own or operate commercial motor vehicles.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Any interested party may submit written comments or arguments concerning this proposed rulemaking. Written submissions shall be filed with:

By U.S. Mail:

Ms. Cathy Allen  
Regulations Unit  
Illinois Department of Transportation  
Division of Traffic Safety  
P.O. Box 19212  
Springfield, Illinois 62794-9212  
(217) 785-1181

By Messenger or Inter-Agency Mail:

DOT Annex Building  
3215 Executive Park Drive  
Commercial Vehicle Safety; 3rd Floor

## DEPARTMENT OF TRANSPORTATION

## NOTICE OF PROPOSED AMENDMENT

Springfield, Illinois

ICAR requests, comments and concerns regarding this rulemaking should be addressed to:

Ms. Christine Caronna-Beard, Rules Manager  
Illinois Department of Transportation  
2300 South Dirksen Parkway  
Room 311  
Springfield, Illinois 62764  
(217) 782-3215

Comments received within 45 days after the date of publication of this *Illinois Register* will be considered. Comments received after that time will be considered, time permitting.

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not-for-profit corporations affected: This proposed amendment affects small businesses that own or operate commercial motor vehicles.

B) Reporting, bookkeeping or other procedures required for compliance: No new or additional procedures are required.

C) Types of professional skills necessary for compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: July 1999

The full text of the Proposed Amendment begins on the next page:

## DEPARTMENT OF TRANSPORTATION

## NOTICE OF PROPOSED AMENDMENT

TITLE 92: TRANSPORTATION  
CHAPTER 1: DEPARTMENT OF TRANSPORTATION  
SUBCHAPTER d: MOTOR CARRIER SAFETY REGULATIONSPART 396  
INSPECTION, REPAIR AND MAINTENANCE

## Section

396.1000

General

396.2000 Incorporation by Reference of 49 CFR 396

396.2010 Inspection of Vehicles in Operation

AUTHORITY: Implementing, and authorized by Sections 18b-102 and 18b-105 of, the Illinois Motor Carrier Safety Law (625 ILCS 5/Ch. 18B).

SOURCE: Adopted at 14 Ill. Reg. 15512, effective September 10, 1990; amended at 15 Ill. Reg. 13167, effective August 21, 1991; amended at 16 Ill. Reg. 14431, effective September 8, 1992; amended at 18 Ill. Reg. 749, effective January 11, 1994; amended at 19 Ill. Reg. 13046, effective August 30, 1995; amended at 20 Ill. Reg. 15340, effective November 18, 1996; amended at 23 Ill. Reg. 5101, effective March 31, 1999; amended at 23 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## Section 396.2000 Incorporation by Reference of 49 CFR 396

- a) The Department incorporates "Inspection, Repair and Maintenance" (49 CFR 396) by reference, as that part of the Federal Motor Carrier Safety Regulations (FMCSR) (49 CFR 390, 391, 392, 393, 395, 396, and 397) that was in effect on October 1, 1998~~1997~~, as amended--at--63--FR 33254--June--18--1998, subject only to the exceptions in subsection (c). No later amendments to or editions of 49 CFR 396 are incorporated.

- b) References to subchapters, parts, subparts, sections or paragraphs shall be read to refer to the appropriate citation in 49 CFR.

- c) The following interpretations of, additions to and deletions from 49 CFR 396 shall apply for purposes of this Part.

- 1) 49 CFR Section 396.9 is deleted and not incorporated.  
2) Any commercial motor vehicle used in intrastate commerce that is inspected semi-annually pursuant to Section 13-109 of the Illinois Vehicle Code (the Code) [625 ILCS 5/13-109] has complied with the periodic inspection procedures required by 49 CFR 396.17.

(Source: Amended at 23 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 396.2010 Inspection of Vehicles in Operation

## DEPARTMENT OF TRANSPORTATION

## NOTICE OF PROPOSED AMENDMENT

- a) Personnel authorized to perform inspections. The Illinois State Police are authorized to enter upon and perform commercial vehicle inspections (as defined in 92 Ill. Adm. Code 390.1020) of motor carrier vehicles in operation.
- b) Prescribed inspection report -- the Illinois Commercial Driver/Vehicle Inspection Report (ISP 5-238) shall be used to record results of motor vehicle inspections conducted by Illinois State Police personnel.

- c) 1) Authorized Illinois State Police personnel shall declare and mark "out-of-service" any motor vehicle which meets the "North American Uniform Out-of-Service Criteria" as defined at 92 Ill. Adm. Code 390.1020. An "out-of-service" vehicle sticker shall be used to mark vehicles "out-of-service."

- 2) No motor carrier shall require or permit any person to operate nor shall any person operate any motor vehicle declared and marked, "out-of-service" until all repairs required by the "out-of-service notice" have been satisfactorily completed. The term "operate" as used in this subsection shall include towing the vehicle, except that vehicles marked "out-of-service" may be towed away by means of a vehicle using a crane or hoist. A vehicle combination consisting of the emergency towing vehicle and an "out-of-service" vehicle shall not be operated until such combination meets the performance requirements of the MCSR except for those conditions noted on the Illinois Commercial Driver/Vehicle Inspection Report (ISP 5-238).

- 3) No person shall remove the "out-of-service vehicle" sticker from any motor vehicle prior to completion of all repairs required by the "out-of-service notice."

- d) Motor Carrier's disposition.

- 1) The driver of any motor vehicle receiving an inspection report shall deliver it to the motor carrier operating the vehicle upon his/her arrival at the next terminal or facility. If the driver is not scheduled to arrive at a terminal or facility of the motor carrier operating the vehicle within 24 hours, the driver shall immediately mail the report to the motor carrier.

- 2) Motor carriers shall examine the report. Violations or defects noted thereon shall be corrected.

- 3) Within 15 days following the date of the inspection, motor carriers shall certify that all violations noted have been corrected by completing the reverse side of the Illinois Commercial Driver/Vehicle Inspection Report (ISP 5-238) and returning it to the Illinois State Police Commercial Vehicle Enforcement Bureau's address indicated on the report.

- 4) The motor carrier shall retain a copy of the ISP 5-238 at the motor carrier's principal place of business or where the vehicle is housed for 12 months from the date of the inspection.

(Source: Amended at 23 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

DEPARTMENT OF TRANSPORTATION  
NOTICE OF PROPOSED AMENDMENTDEPARTMENT OF TRANSPORTATION  
NOTICE OF PROPOSED AMENDMENTS1) Heading of the Part: Motor Carrier Safety Regulations: General2) Code Citation: 92 Ill. Adm. Code 390

3) <u>Section Numbers:</u>	<u>Proposed Action:</u>
390.1000	Amend
390.1010	Amend
390.1020	Amend
390.1030	Amend
390.2000	Amend

4) Statutory Authority: Implementing, and authorized by Sections 18b-102 and 18b-105 of, the Illinois Motor Carrier Safety Law [625 ILCS 5/Ch. 18b] (see P.A. 91-179, effective January 1, 2000).5) A Complete Description of the Subjects and Issues Involved: By this Notice of Proposed Amendments, the Department is amending Part 390 as follows:

At Section 390.1010, the Department is revising the Part heading for 92 Ill. Adm. Code 397 as referenced in subsection (a). This change will be consistent with the heading of 49 CFR 397. At subsection (f)(2), a provision concerning accident-reporting requirements will be removed to be consistent with the removal of the provision from 49 CFR 390. Lastly, with respect to Section 390.1010, an Agency Note will be added to cross reference the pending rules on public utility exemptions for commercial motor vehicles owned or operated by a public utility and found at 92 Ill. Adm. Code 386.

At Section 390.1020, the Department is updating the citations to the CFR to reference the October 1, 1998 edition; is updating several definitions to maintain consistency with the federal regulations; is correcting citations to the Illinois Vehicle Code throughout this Section, and is amending the definition of "commercial motor vehicle" as required by Public Act 91-179, effective January 1, 2000.

At Section 390.1030, the Department is removing language that was removed from 49 CFR 390.

At Section 390.2000, the Department is updating the date of incorporation by reference of 49 CFR 390, subparts B and D to the October 1, 1998 edition.

6) Will this proposed rulemaking replace an emergency rule currently in effect? No7) Does this rulemaking contain an automatic repeal date? No8) Does this proposed amendment contain incorporations by reference? Yes



## DEPARTMENT OF TRANSPORTATION

## NOTICE OF PROPOSED AMENDMENTS

- 9) Are there any other proposed amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives: These proposed amendments will affect units of local governments that own or operate commercial motor vehicles.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Any interested party may submit written comments or arguments concerning this proposed rulemaking. Written submissions shall be filed with:

By U.S. Mail:

Ms. Cathy Allen  
Regulations Unit  
Illinois Department of Transportation  
Division of Traffic Safety  
P.O. Box 19212  
Springfield, Illinois 62794-9212  
(217) 785-1181

By Messenger or Inter-Agency Mail:

DOT Annex Building  
3215 Executive Park Drive  
Commercial Vehicle Safety: 3rd Floor  
Springfield, Illinois

JCAR requests, comments and concerns regarding this rulemaking should be addressed to:

Ms. Christine Caronna-Beard, Rules Manager  
Illinois Department of Transportation  
2300 South Dirksen Parkway  
Room 311  
Springfield, Illinois 62764  
(217) 782-3215

Comments received within 45 days after the date of publication of this *Illinois Register* will be considered. Comments received after that time will be considered, time permitting.

- 12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: These proposed amendments affect small businesses that own or operate commercial motor vehicles.

## DEPARTMENT OF TRANSPORTATION

## NOTICE OF PROPOSED AMENDMENTS

- B) Reporting, bookkeeping or other procedures required for compliance: No new or additional procedures are required for compliance.

C) Types of professional skills necessary for compliance: None

- 13) Regulatory Agenda on which this rulemaking was summarized: July 1999

The full text of the Proposed Amendments begins on the next page:

## DEPARTMENT OF TRANSPORTATION

## NOTICE OF PROPOSED AMENDMENTS

TITLE 92: TRANSPORTATION  
 CHAPTER I: DEPARTMENT OF TRANSPORTATION  
 SUBCHAPTER d: MOTOR CARRIER SAFETY REGULATIONS

## PART 390

## MOTOR CARRIER SAFETY REGULATIONS: GENERAL

## SUBPART A: GENERAL APPLICABILITY AND DEFINITIONS

Section  
 390.1000 Purpose  
 390.1010 General Applicability  
 390.1020 Definitions  
 390.1030 Rules of Construction

## SUBPART B: GENERAL REQUIREMENTS AND INFORMATION

Section  
 390.2000 Incorporation by Reference

**AUTHORITY:** Implementing, and authorized by Sections 18b-102 and 18b-105 of, the Illinois Motor Carrier Safety Law [625 ILCS 5/Ch. 18b] (see P.A. 91-179, effective January 1, 2000).

**SOURCE:** Adopted at 14 Ill. Reg. 15519, effective September 10, 1990; amended at 15 Ill. Reg. 13171, effective August 21, 1991; amended at 16 Ill. Reg. 14435, effective September 8, 1992; amended at 18 Ill. Reg. 754, effective January 11, 1994; amended at 18 Ill. Reg. 10362, effective June 15, 1994; amended at 19 Ill. Reg. 13050, effective August 30, 1995; amended at 20 Ill. Reg. 15344, effective November 18, 1996; amended at 23 Ill. Reg. 5105, effective March 31, 1999; amended at 23 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## SUBPART A: GENERAL APPLICABILITY AND DEFINITIONS

## Section 390.1000 Purpose

This Part establishes general applicability, definitions, general requirements and information as they pertain to persons subject to the Illinois Motor Carrier Safety Law (the Law) [625 ILCS 5/Ch. 18b]. The Illinois Motor Carrier Safety Regulations [IMCSR] (625 ILCS 5/Ch. 18b) consists of 92 Ill. Adm. Code 366, 390, 391, 392, 393, 395, 396, and 397.

(Source: Amended at 23 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 390.1010 General Applicability

## DEPARTMENT OF TRANSPORTATION

## NOTICE OF PROPOSED AMENDMENTS

- a) All Parts of the IMCSR MCSR except for "Transportation of Hazardous Materials; Driving and Parking" (92 Ill. Adm. Code 397) are applicable to:
- Persons employing drivers, drivers and commercial motor vehicles which transport property or passengers in interstate or intrastate commerce. (Section 18b-106 of the Law)*
- b) 92 Ill. Adm. Code 397 applies to any employer, employee or motor carrier engaged in the transportation of hazardous materials by a motor vehicle which must be marked or placarded in accordance with "Carriage by Public Highway" (49 CFR 177-823) and to:

- 1) Each officer or employee of the carrier who performs supervisory duties related to the transportation of hazardous materials; and
  - 2) Each person who operates or who is in charge of a motor vehicle containing hazardous materials.
- c) The provisions of 92 Ill. Adm. Code 397 do not apply to the transportation in Illinois of hazardous materials by a farmer when in approved containers and in the amounts and manner specified in 92 Ill. Adm. Code 177.22, Agriculture Exception.
- d) Nothing in the IMCSR MCSR shall be construed to prohibit an employer from requiring and enforcing more stringent requirements relating to safety of operation and employee safety and health.
- e) The IMCSR MCSR requires knowledge of and compliance with the following:

- 1) Every employer shall be knowledgeable of and comply with all requirements contained in the IMCSR MCSR which are applicable to that motor carrier's operations.
  - 2) Every driver and employee shall comply with all applicable requirements contained in the IMCSR MCSR and shall be instructed accordingly.
  - 3) All motor vehicles' equipment and accessories required by the MCSR shall be maintained in compliance with all applicable performance and design criteria also set forth in the IMCSR MCSR.
- f) Except for provisions in paragraph 13-101 of the Illinois Vehicle Code [625 ILCS 5/13-101] or unless otherwise specifically provided, the requirements in the IMCSR MCSR do not apply to:
- 1) All school bus operations as defined in Section 390.1020 of this Part;
  - 2) Transportation performed by the federal government, a state, or any political subdivision of a state, or an agency established under a compact between states that has been approved by the Congress of the United States; ~~the accident--recordkeeping requirements--of--49-CFR-390.15--remain-applicable-to-the--interstate identified-in-this-subsection--when-engaged-in-the--interstate charter-transportation-of-passengers.~~
  - 3) The occasional transportation of personal property by individuals not for compensation nor in the furtherance of a commercial enterprise;
  - 4) The transportation of human corpses or sick and injured persons;

## DEPARTMENT OF TRANSPORTATION

## NOTICE OF PROPOSED AMENDMENTS

- 5) The operation of fire trucks and rescue vehicles while involved in emergency and related operations. (Source: 92 Ill. Adm. Code 386, Subpart C: Public Utility Agency Note, for provisions relating to possible exemptions from the IMCSR for intrastate public utility commercial motor vehicles.

(Source: Amended at 23 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 390.1020 Definitions

The following definitions apply to all Parts in the IMCSR MSR unless a specific Part expressly defines a term different than what is used below:

"Accident" means:

Except as provided below, an occurrence involving a commercial motor vehicle operating on a highway that which results in:

A fatality;

Bodily injury to a person who, as a result of the injury, immediately receives medical treatment away from the scene of the accident; or

One or more motor vehicles incurring disabling damage as a result of the accident, requiring the vehicle(s) to be transported away from the scene by a tow truck or other motor vehicle.

The term accident does not include:

An occurrence involving only boarding and alighting from a stationary motor vehicle; or

An occurrence involving only the loading or unloading of cargo. (49 CFR 390.5, October 1, 1998) {63-PR-332547-June 387-1998}

"Agricultural movements" means the operation of a motor vehicle or combination of vehicles controlled and operated by a private motor carrier of property that is using the vehicle to transport nonhazardous or hazardous agricultural crop production fertilizers or agricultural chemicals from a local source of supply to farm or field, or from one farm or field to another, or from farm or field back to the local source of supply. (Section 1-101.6 of the Illinois Vehicle Code (the Code) [625 ILCS 5/1-101.6]) {Section-18b-101-of-the-law}

## DEPARTMENT OF TRANSPORTATION

## NOTICE OF PROPOSED AMENDMENTS

"Alcohol concentration" (AC) means the concentration of alcohol in a person's blood or breath. When expressed as a percentage it means grams of alcohol per 100 milliliters of blood or grams of alcohol per 210 liters of breath. "Federal----Motor----Carrier----Safety Regulations--General" (49 CFR 390.5, October 1, 1998 1997)

"Bus" means any motor vehicle designed, constructed, and/or used for the transportation of passengers, including taxicabs. (49 CFR 390.5, October 1, 1998 1997)

"Business district" means the territory contiguous to and including a highway when within any 600 feet along such highway there are buildings in use for business or industrial purposes, including but not limited to, hotels, banks, or office buildings, railroad stations and public buildings which occupy at least 300 feet of frontage on one side or 300 feet collectively on both sides of the highway. (Section 1-108 of the Code Illinois-Vehicle-Code-(the-Code) {625-ILCS-5/1-108})

"Charter transportation of passengers" means transportation, using a bus, of a group of persons who, pursuant to a common purpose, under a single contract, at a fixed charge for the vehicle, have acquired the exclusive use of the vehicle to travel together under an itinerary either specified in advance or modified after having left the place of origin. (49 CFR 390.5, October 1, 1998 1997)

"Code" means the Illinois Vehicle Code {625 ILCS 5}.

"Commerce" means trade, commerce or transportation within the State. (Section 1-111.4 of the Code 40b-101-111-of-the-law)

"Commercial motor vehicle (CMV)" means any self propelled or towed vehicle used on public highways in interstate and intrastate commerce to transport passengers or property when the vehicle has a gross vehicle weight, a gross vehicle weight rating, a gross combination weight, or a gross combination weight rating of 10,001 or more pounds (4,537 or more kilograms); or the vehicle is designed to transport more than 15 passengers; including the driver; or the vehicle is used in the transportation of hazardous materials in a quantity requiring placarding under the Illinois Hazardous Materials Transportation Act. This definition shall not include farm machinery, fertilizer spreaders, and other special agricultural movement equipment described in Section 3-809 of the Code nor implements of husbandry as defined in Section 1-130 of the Code. (Section 18b-101 of the Law, see P.A. 91-179, effective January 1, 2000)

"Commercial Vehicle Inspections" means:

Level 1 - North American Standard Inspection: An inspection that

## DEPARTMENT OF TRANSPORTATION

## NOTICE OF PROPOSED AMENDMENTS

includes each of the items specified under the North American Uniform Out-of-Service Criteria.

As a minimum, North American Standard inspections must include examination of: driver's license, medical examiner's certificate and waiver if applicable, alcohol and drugs, driver's record of duty status as required, hours of service, seat belt, vehicle inspection report, brake system, steering mechanism, wheels and rims, tires, coupling devices, suspension, frame, fuel system, exhaust system, windshield wipers, lighting devices, safe loading, and hazardous material requirements as applicable.

Level 2 - Walk Around Driver/Vehicle Inspection: An examination that, as a minimum, includes: driver's license, medical examiner's certificate, and waiver if applicable, driver's record of duty status as required, hours of service, seat belt, vehicle inspection report, fire extinguisher, warning devices for stopped vehicles, head lamps, turn signals, stop lamps, windshield wipers, wheels, tires, fuel system, exhaust system, visible brake components, coupling devices, cargo securement, low air warning device, visible suspension components, and hazardous material requirements as applicable. It is contemplated that the walk-around driver/vehicle inspection will be conducted without inspecting underneath the vehicle.

Level 3 - Driver Only Inspection: A roadside examination of the driver's license, medical certification and waiver if applicable, driver's record of duty status as required, hours of service, seat belt, and vehicle inspection report. (Commercial Vehicle Safety Alliance (CVSA), CVSA Operations Manual, January 1996)

"Conviction" means an unvacated adjudication of guilt, or a determination that a person has violated or failed to comply with the law in a court of original jurisdiction or by an authorized administrative tribunal, an unvacated forfeiture of bail or collateral deposited to secure the person's appearance in court, a plea of guilty or nolo contendere accepted by the court, the payment of a fine or court cost, or violation of a condition of release without bail, regardless of whether or not the penalty is rebated, suspended or probated. (49 CFR 390.5, October 1, 1998 #997)

"Department" means the Illinois Department of Transportation of the State of Illinois, acting directly or through its duly authorized officers and agents. (Section 1-115.05 of the Code) {Section--40b-401 of-the-law}

"Direct assistance" means transportation and other relief services provided by a motor carrier or its driver(s) incident to the immediate

## DEPARTMENT OF TRANSPORTATION

## NOTICE OF PROPOSED AMENDMENTS

restoration of essential services (such as electricity, medical care, sewer, water, telecommunications, and telecommunication transmissions) or essential supplies (such as food and fuel). It does not include transportation related to long-term rehabilitation of damaged physical infrastructure or routine commercial deliveries after the initial threat to life and property has passed. (49 CFR 390.5, October 1, 1998 #997)

"Disabling damage" means damage which precludes departure of a motor vehicle from the scene of the accident in its usual manner in daylight after simple repairs.

Inclusions: Damage to motor vehicles that could have been driven, but would have been further damaged if so driven.

## Exclusions:

Damage which can be remedied temporarily at the scene of the accident without special tools or parts.

Tire disbursement without other damage even if no spare tire is available.

Headlamp or taillight damage.

Damage to turn signals, horn or windshield wipers which makes them inoperative. (49 CFR 390.5, October 1, 1998 #997)

"Driving a commercial motor vehicle while under the influence of alcohol" means committing any one or more of the following acts in a CMV: driving a CMV while the person's alcohol concentration is 0.04 percent or more; driving under the influence of alcohol, as prescribed by state law; or refusal to undergo such testing as is required by any state or jurisdiction in the enforcement of "Commercial Driver's License Standards; Requirements and Penalties" (49 CFR 383.51(b)(2)(i)(A) or (B)) or "Driving of Motor Vehicles" (49 CFR 392.5(a)(2)). (49 CFR 390.5, October 1, 1998 #997)

"Driveaway-towaway operation" means any operation in which a motor vehicle constitutes the commodity being transported and one or more sets of wheels of the vehicle being transported are on the surface of the roadway during transportation. (49 CFR 390.5, October 1, 1998 #997)

"Driver" means any person who operates any commercial motor vehicle. (49 CFR 390.5, October 1, 1998 #997)



## DEPARTMENT OF TRANSPORTATION

## NOTICE OF PROPOSED AMENDMENTS

"Emergency" means any hurricane, tornado, storm (e.g., thunderstorm, snowstorm, icestorm, blizzard, sandstorm, etc.), high water, wind-driven water, tidal wave, tsunami, earthquake, volcanic eruption, mud slide, drought, forest fire, explosion, blackout or other occurrence, natural or man-made, which interrupts the delivery of essential services (such as electricity, medical care, sewer, water, telecommunications, and telecommunication transmissions) or essential supplies (such as food and fuel) or otherwise immediately threatens human life or public welfare, provided such hurricane, tornado, or other event results in:

A declaration of an emergency by the President of the United States, the Governor of a state, or their authorized representatives having authority to declare emergencies; by the Regional Director of Motor Carriers for the region in which the occurrence happens; or by other Federal, State or local government officials having authority to declare emergencies, including but not limited to the Illinois Department of Transportation's Director, Division of Traffic Safety, or his designee; or

A request by a police officer for tow trucks to move wrecked or disabled motor vehicles. (49 CFR 390.5, October 1, 1998 1997)

"Emergency relief" means an operation in which a motor carrier or driver of commercial motor vehicle is providing direct assistance to supplement State and local efforts and capabilities to save lives or property or to protect public health and safety as a result of an emergency as defined in this Section. (49 CFR 390.5, October 1, 1998 1997)

"Employee" means:

A driver of a commercial motor vehicle (including an independent contractor while in the course of operating a commercial motor vehicle);

A mechanic;

A freight handler; and

Any individual, who in the course of his or her employment directly affects commercial motor vehicle safety, but such term does not include an employee of the United States, any state, any political subdivision of a state, or any agency established under a compact between states and approved by the Congress of the United States who is acting within the course of such employment. (49 CFR 390.5, October 1, 1998 1997)

## DEPARTMENT OF TRANSPORTATION

## NOTICE OF PROPOSED AMENDMENTS

"Employer" means any person engaged in a business affecting commerce who owns or leases a commercial motor vehicle in connection with that business, or assigns employees to operate it, but such term does not include the United States, any state, any political subdivision of a state, or any agency established under a compact between states approved by the Congress of the United States.

"Exempt intracity zone" means the geographic area of a municipality or the commercial zone of that municipality described by the Federal Highway Administration (FHWA) in 49 CFR 372, subpart B. The descriptions are printed in Appendix F to the Federal Motor Carrier Safety Regulations. A driver may be considered to operate a vehicle wholly within an exempt intracity zone notwithstanding any common control, management, or arrangement for a continuous carriage or shipment to or from a point without such zone. (49 CFR 390.5, October 1, 1998 1997)

"Exempt motor carrier" means a person engaged in transportation exempt from economic regulation by the ICC under "Miscellaneous Motor Carrier Transportation Exemptions" (49 USC 10526). "Exempt motor carriers" are subject to the requirements set forth in the Illinois Motor Carrier Safety Regulations. (49 CFR 390.5, October 1, 1998 1997)

"Farm to market agricultural transportation" means the operation of a motor vehicle controlled and operated by a farmer who is a private motor carrier or property; who is using the vehicle to transport agricultural products to or from a farm operated by the farmer, or to transport farm machinery or farm supplies to or from a farm operated by the farmer; and who is not using the commercial vehicle to transport hazardous materials of a type or quantity that requires the vehicle to be placarded in accordance with the Illinois Hazardous Materials Transportation Act. (Section 1-119.6 of the Code) (Section ~~18B-101-of-the-law~~)

"Farm machinery" -- see definition of "Special Agricultural Movement Equipment" in this Section.

"Farm vehicle driver" means a person who drives only a commercial motor vehicle that is --

Controlled and operated by a farmer as a private motor carrier of property;

Being used to transport either --

Agricultural products, or

Farm machinery, farm supplies, or both, to or from a farm;

## DEPARTMENT OF TRANSPORTATION

## NOTICE OF PROPOSED AMENDMENTS

Not being used in the operation of a for-hire motor carrier;

Not carrying hazardous materials of a type or quantity that required the commercial motor vehicle to be placarded in accordance with 49 CFR 177.823; and

Being used within 150 air-miles of the farmer's farm.

"Farmer" means any person who operates a farm or is directly involved in the cultivation of land, crops, or livestock which:

Are owned by that person; or

Are under the direct control of that person. (49 CFR 390.5, October 1, 1998 1997)

"Fatality" means any injury which results in the death of a person at the time of the motor vehicle accident or within 30 days of the accident. (49 CFR 390.5, October 1, 1998 1997)

"Federal Highway Administrator" means the chief executive of the Federal Highway Administration, an agency within the United States Department of Transportation. (49 CFR 390.5, October 1, 1998 1997)

"For-hire" means the operation of a vehicle for compensation and subject to federal regulation by the Interstate Commerce Commission or to State regulation by the Illinois Commerce Commission and those vehicles governed by Chapters 8 and 9 under the Code and regulated by the Secretary of State. (Section 1-122.5 of the Code) (Section 1-124 of the Code)

"For-hire motor carrier" means a person engaged in the transportation of goods or passengers for compensation. (49 CFR 390.5, October 1, 1998 1997)

"Gross Combination Weight Rating (GCWR)" means the value specified by the manufacturer as the loaded weight of a combination (articulated) vehicle. In the absence of a value specified by the manufacturer, GCWR will be determined by adding the GVWR of the power unit and the total weight of the towed unit and any load thereon. (49 CFR 390.5, October 1, 1998 1997)

"Gross Vehicle Weight Rating (GVWR)" means the value specified by the manufacturer as the loaded weight of a single motor vehicle. (49 CFR 390.5, October 1, 1998 1997)

"Hazardous material" means a substance or material which has been determined by the Secretary of the United States Department of

## DEPARTMENT OF TRANSPORTATION

## NOTICE OF PROPOSED AMENDMENTS

Transportation to be capable of posing an unreasonable risk to health, safety, and property when transported in commerce, and which has been so designated. (49 CFR 390.5, October 1, 1998 1997)

"Hazardous substance" means a material, and its mixtures or solutions, that is identified in Appendix A to 49 CFR 172.101, List of Hazardous Substances and Reportable Quantities the--~~Hazardous--Materials--Table~~ and--~~Hazardous--Materials--Communications~~ (49-CFR-172-101) when offered for transportation in one package, or in one transport vehicle if not packaged, and when the quantity of the material therein equals or exceeds the reportable quantity (RQ). This definition does not apply to petroleum products that are lubricants or fuels, or to mixtures or solutions of hazardous substances if in a concentration less than that shown in the table in "General Information, Regulations and Definitions" (49 CFR 171.8) based on the reportable quantity (RQ) specified for the materials listed in Appendix A to 49 CFR 172.101. (49 CFR 390.5, October 1, 1998 1997)

"Hazardous waste" means any material that is subject to the hazardous waste manifest requirements of the EPA specified in "Standards Applicable to Generators of Hazardous Waste" (40 CFR 262) or would be subject to these requirements absent an interim authorization to a state under "State Program Requirements" (40 CFR 123), Subpart F. (49 CFR 390.5, October 1, 1998 1997)

"Highway" means any road, street, or way, whether on public or private property, open to public travel. "Open to public travel" means that the road section is available, except during scheduled periods, extreme weather or emergency conditions, passable by four-wheel standard passenger cars, and open to the general public for use without restrictive gates, prohibitive signs, or regulation other than restrictions based on size, weight, or class of registration. Toll plazas of public toll roads are not considered restrictive gates. (49 CFR 390.5, October 1, 1998) (69-PR-32547-June-18, 1998)

"Illinois Motor Carrier Safety Regulations (IMCSR)" means the requirements established in Parts 385, 390, 391, 392, 393, 395, 396 and 397 (32 Ill. Adm. Code: Chapter 17, Subchapter d).

"Illinois State Police" means any individual officer of the Illinois State Police.

"Implement of husbandry" means every vehicle designed and adapted exclusively for agricultural, horticultural, or livestock raising operations, including farm wagons, wagon trailers or like vehicles used in connection therewith, or for lifting or carrying an implement of husbandry provided that no farm wagon, wagon trailer or like vehicle having a gross weight of more than 36,000 pounds, shall be

## DEPARTMENT OF TRANSPORTATION

## NOTICE OF PROPOSED AMENDMENTS

Included hereunder. (Section 1-130 of the Code)

"Interstate commerce" means transportation between two or more states or transportation originating in one state and passing into or through other states for delivery in another state. (Section 1-133 of the Code)

"Intrastate commerce" means any trade, traffic, or transportation in Illinois which is not described in the term "interstate commerce." (49 CFR 390.5, October 1, 1998 1999)

"Law" means the Illinois Motor Carrier Safety Law [625 ILCS 5/Ch. 18B].

"Medical Examiner" means a person who is licensed, certified, and/or registered, in accordance with applicable State laws and regulations, to perform physical examinations. Pursuant to the Illinois Medical Practice Act [225 ILCS 60], the term only includes doctors of medicine, doctors of osteopathy, and doctors of chiropractic.

"Motor carrier" means a for-hire motor carrier or a private motor carrier. The term "motor carrier" includes a motor carrier's agents, officers and representatives as well as employees responsible for hiring, supervising, training, assigning, or dispatching of drivers and employees concerned with the installation, inspection, and maintenance of motor vehicle equipment and/or accessories. For purposes of the IMCSR MSBR, the definition of "motor carrier" includes the terms "employer" and "exempt motor carrier." (49 CFR 390.5, October 1, 1998 1999)

"Motor-Carrier-Safety-Regulations--(MSR)--means--the requirements established in Parts 386, 387, 390, 391, 392, 393, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 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771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 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1142, 1143, 1144, 1145, 1146, 1147, 1148, 1149, 1150, 1151, 1152, 1153, 1154, 1155, 1156, 1157, 1158, 1159, 1160, 1161, 1162, 1163, 1164, 1165, 1166, 1167, 1168, 1169, 1170, 1171, 1172, 1173, 1174, 1175, 1176, 1177, 1178, 1179, 1180, 1181, 1182, 1183, 1184, 1185, 1186, 1187, 1188, 1189, 1190, 1191, 1192, 1193, 1194, 1195, 1196, 1197, 1198, 1199, 1200, 1201, 1202, 1203, 1204, 1205, 1206, 1207, 1208, 1209, 1210, 1211, 1212, 1213, 1214, 1215, 1216, 1217, 1218, 1219, 1220, 1221, 1222, 1223, 1224, 1225, 1226, 1227, 1228, 1229, 1230, 1231, 1232, 1233, 1234, 1235, 1236, 1237, 1238, 1239, 1240, 1241, 1242, 1243, 1244, 1245, 1246, 1247, 1248, 1249, 1250, 1251, 1252, 1253, 1254, 1255, 1256, 1257, 1258, 1259, 1260, 1261, 1262, 1263, 1264, 1265, 1266, 1267, 1268, 1269, 1270, 1271, 1272, 1273, 1274, 1275, 1276, 1277, 1278, 1279, 1280, 1281, 1282, 1283, 1284, 1285, 1286, 1287, 1288, 1289, 1290, 1291, 1292, 1293, 1294, 1295, 1296, 1297, 1298, 1299, 1300, 1301, 1302, 1303, 1304, 1305, 1306, 1307, 1308, 1309, 1310, 1311, 1312, 1313, 1314, 1315, 1316, 1317, 1318, 1319, 1320, 1321, 1322, 1323, 1324, 1325, 1326, 1327, 1328, 1329, 1330, 1331, 1332, 1333, 1334, 1335, 1336, 1337, 1338, 1339, 1340, 1341, 1342, 1343, 1344, 1345, 1346, 1347, 1348, 1349, 1350, 1351, 1352, 1353, 1354, 1355, 1356, 1357, 1358, 1359, 1360, 1361, 1362, 1363, 1364, 1365, 1366, 1367, 1368, 1369, 1370, 1371, 1372, 1373, 1374, 1375, 1376, 1377, 1378, 1379, 1380, 1381, 1382, 1383, 1384, 1385, 1386, 1387, 1388, 1389, 1390, 1391, 1392, 1393, 1394, 1395, 1396, 1397, 1398, 1399, 1400, 1401, 1402, 1403, 1404, 1405, 1406, 1407, 1408, 1409, 1410, 1411, 1412, 1413, 1414, 1415, 1416, 1417, 1418, 1419, 1420, 1421, 1422, 1423, 1424, 1425, 1426, 1427, 1428, 1429, 1430, 1431, 1432, 1433, 1434, 1435, 1436, 1437, 1438, 1439, 1440, 1441, 1442, 1443, 1444, 1445, 1446, 1447, 1448, 1449, 1450, 1451, 1452, 1453, 1454, 1455, 1456, 1457, 1458, 1459, 1460, 1461, 1462, 1463, 1464, 1465, 1466, 1467, 1468, 1469, 1470, 1471, 1472, 1473, 1474, 1475, 1476, 1477, 1478, 1479, 1480, 1481, 1482, 1483, 1484, 1485, 1486, 1487, 1488, 1489, 1490, 1491, 1492, 1493, 1494, 1495, 1496, 1497, 1498, 1499, 1500, 1501, 1502, 1503, 1504, 1505, 1506, 1507, 1508, 1509, 1510, 1511, 1512, 1513, 1514, 1515, 1516, 1517, 1518, 1519, 1520, 1521, 1522, 1523, 1524, 1525, 1526, 1527, 1528, 1529, 1530, 1531, 1532, 1533, 1534, 1535, 1536, 1537, 1538, 1539, 1540, 1541, 1542, 1543, 1544, 1545, 1546, 1547, 1548, 1549, 1550, 1551, 1552, 1553, 1554, 1555, 1556, 1557, 1558, 1559, 1560, 1561, 1562, 1563, 1564, 1565, 1566, 1567, 1568, 1569, 1570, 1571, 1572, 1573, 1574, 1575, 1576, 1577, 1578, 1579, 1580, 1581, 1582, 1583, 1584, 1585, 1586, 1587, 1588, 1589, 1590, 1591, 1592, 1593, 1594, 1595, 1596, 1597, 1598, 1599, 1600, 1601, 1602, 1603, 1604, 1605, 1606, 1607, 1608, 1609, 1610, 1611, 1612, 1613, 1614, 1615, 1616, 1617, 1618, 1619, 1620, 1621, 1622, 1623, 1624, 1625, 1626, 1627, 1628, 1629, 1630, 1631, 1632, 1633, 1634, 1635, 1636, 1637, 1638, 1639, 1640, 1641, 1642, 1643, 1644, 1645, 1646, 1647, 1648, 1649, 1650, 1651, 1652, 1653, 1654, 1655, 1656, 1657, 1658, 1659, 1660, 1661, 1662, 1663, 1664, 1665, 1666, 1667, 1668, 1669, 1670, 1671, 1672, 1673, 1674, 1675, 1676, 1677, 1678, 1679, 1680, 1681, 1682, 1683, 1684, 1685, 1686, 1687, 1688, 1689, 1690, 1691, 1692, 1693, 1694, 1695, 1696, 1697, 1698, 1699, 1700, 1701, 1702, 1703, 1704, 1705, 1706, 1707, 1708, 1709, 1710, 1711, 1712, 1713, 1714, 1715, 1716, 1717, 1718, 1719, 1720, 1721, 1722, 1723, 1724, 1725, 1726, 1727, 1728, 1729, 1730, 1731, 1732, 1733, 1734, 1735, 1736, 1737, 1738, 1739, 1740, 1741, 1742, 1743, 1744, 1745, 1746, 1747, 1748, 1749, 1750, 1751, 1752, 1753, 1754, 1755, 1756, 1757, 1758, 1759, 1760, 1761, 1762, 1763, 1764, 1765, 1766, 1767, 1768, 1769, 1770, 1771, 1772, 1773, 1774, 1775, 1776, 1777, 1778, 1779, 1780, 1781, 1782, 1783, 1784, 1785, 1786, 1787, 1788, 1789, 1790, 1791, 1792, 1793, 1794, 1795, 1796, 1797, 1798, 1799, 1800, 1801, 1802, 1803, 1804, 1805, 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1972, 1973, 1974, 1975, 1976, 1977, 1978, 1979, 1980, 1981, 1982, 1983, 1984, 1985, 1986, 1987, 1988, 1989, 1990, 1991, 1992, 1993, 1994, 1995, 1996, 1997, 1998, 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2088, 2089, 2090, 2091, 2092, 2093, 2094, 2095, 2096, 2097, 2098, 2099, 2100, 2101, 2102, 2103, 2104, 2105, 2106, 2107, 2108, 2109, 2110, 2111, 2112, 2113, 2114, 2115, 2116, 2117, 2118, 2119, 2120, 2121, 2122, 2123, 2124, 2125, 2126, 2127, 2128, 2129, 2130, 2131, 2132, 2133, 2134, 2135, 2136, 2137, 2138, 2139, 2140, 2141, 2142, 2143, 2144, 2145, 2146, 2147, 2148, 2149, 2150, 2151, 2152, 2153, 2154, 2155, 2156, 2157, 2158, 2159, 2160, 2161, 2162, 2163, 2164, 2165, 2166, 2167, 2168, 2169, 2170, 2171, 2172, 2173, 2174, 2175, 2176, 2177, 2178, 2179, 2180, 2181, 2182, 2183, 2184, 2185, 2186, 2187, 2188, 2189, 2190, 2191, 2192, 2193, 2194, 2195, 2196, 2197, 2198, 2199, 2200, 2201, 2202, 2203, 2204, 2205, 2206, 2207, 2208, 2209, 2210, 2211, 2212, 2213, 2214, 2215, 2216, 2217, 2218, 2219, 2220, 2221, 2222, 2223, 2224, 2225, 2226, 2227, 2228, 2229, 2230, 2231, 2232, 2233, 2234, 2235, 2236, 2237, 2238, 2239, 2240, 2241, 2242, 2243, 2244, 2245, 2246, 2247, 2248, 2249, 2250, 2251, 2252, 2253, 2254, 2255, 2256, 2257, 2258, 2259, 2260, 2261, 2262, 2263, 2264, 2265, 2266, 2267, 2268, 2269, 2270, 2271, 2272, 2273, 2274, 2275, 2276, 2277, 2278, 2279, 2280, 2281, 2282, 2283, 2284, 2285, 2286, 2287, 2288, 2289, 2290, 2291, 2292, 2293, 2294, 2295, 2296, 2297, 2298, 2299, 2300, 2301, 2302, 2303, 2304, 2305, 2306, 2307, 2308, 2309, 2310, 2311, 2312, 2313, 2314, 2315, 2316, 2317, 2318, 2319, 2320, 2321, 2322, 2323, 2324, 2325, 2326, 2327, 2328, 2329, 2330, 2331, 2332, 2333, 2334, 2335, 2336, 2337, 2338, 2339, 2340, 2341, 2342, 2343, 2344, 2345, 2346, 2347, 2348, 2349, 2350, 2351, 2352, 2353, 2354, 2355, 2356, 2357, 2358, 2359, 2360, 2361, 2362, 2363, 2364, 2365, 2366, 2367, 2368, 2369, 2370, 2371, 2372, 2373, 2374, 2375, 2376, 2377, 2378, 2379, 2380, 2381, 2382, 2383, 2384, 2385, 2386, 2387, 2388, 2389, 2390, 2391, 2392, 2393, 2394, 2395, 2396, 2397, 2398, 2399, 2400, 2401, 2402, 2403, 2404, 2405, 2406, 2407, 2408, 2409, 2410, 2411, 2412, 2413, 2414, 2415, 2416, 2417, 2418, 2419, 2420, 2421, 2422, 2423, 2424, 24

## DEPARTMENT OF TRANSPORTATION

## NOTICE OF PROPOSED AMENDMENTS

carrier engaged in the interstate or intrastate transportation of passengers which is provided in the furtherance of a commercial enterprise and is not available to the public at large. (49 CFR 390.5, October 1, 1998 1997)

"Private motor carrier of passengers (nonbusiness)" means a private motor carrier involved in the interstate or intrastate transportation of passengers that does not otherwise meet the definition of a private motor carrier of passengers (business). (49 CFR 390.5, October 1, 1998 1997)

"Radar detector" means any device or mechanism to detect the emission of radio microwaves, laser beams or any other future speed measurement technology employed by enforcement personnel to measure the speed of commercial motor vehicles upon public roads and highways for enforcement purposes. Excluded from this definition are radar detection devices that meet both of the following requirements:

Transported outside the driver's compartment of the commercial motor vehicle. For this purpose, the driver's compartment of a passenger-carrying CMV shall include all space designed to accommodate both the driver and the passengers; and

Completely inaccessible to, inoperable by, and imperceptible to the driver while operating the commercial motor vehicle. (49 CFR 390.5, October 1, 1998 1997)

"Regional Director of Motor Carriers" means the Director of the Office of Motor Carriers, Federal Highway Administration; for a given geographical region of the United States. (49 CFR 390.5, October 1, 1998 1997)

"Residential district" means the territory adjacent to and including a highway which is not a business district and for a distance of 300 feet or more along the highway is primarily improved with residences. (49 CFR 390.5, October 1, 1998 1997)

"School bus" means a passenger motor vehicle which is designed or used to carry more than 10 passengers in addition to the driver, and which the Secretary of the United States Department of Transportation determines is likely to be significantly used for the purpose of transporting preprimary, primary or secondary school students to such schools from home or from such schools to home. (49 CFR 390.5, October 1, 1998 1997)

"School bus operation" means the use of a school bus to transport only school children and school personnel from home to school and from school to home and for intrastate sanctioned school functions.

## DEPARTMENT OF TRANSPORTATION

## NOTICE OF PROPOSED AMENDMENTS

"Secretary" means the Secretary of the Illinois Department of Transportation.

"Single-employer driver" means a driver who, in any period of 7 consecutive days, is employed or used as a driver solely by a single motor carrier. This term includes a driver who operates a commercial motor vehicle on an intermittent, casual, or occasional basis. (49 CFR 390.5, October 1, 1998 69-FR-32547-June-18-1998)

"Special agent" - See 49 CFR Appendix B to Subchapter B of Chapter III.

"Special agricultural movement equipment" means a vehicle of the second division having a corn sheller, a welder, a hay press, a clover huller, feed mixer and unloader or other farm machinery permanently mounted thereon and used solely for transporting the same, farm wagon type trailers having a fertilizer spreader attachment permanently mounted thereon, having a gross weight of not to exceed 36,000 pounds and farm wagon type tank trailers (i.e., nurse tanks) not to exceed 2,000 gallon capacity. Also includes any single unit self-propelled agricultural fertilizer implement, designed for both on and off road use, equipped with flotation tires and otherwise especially adapted for the application of plant food materials or agricultural chemicals. (Section 3-809 of the Code)

"State" means a state of the United States and the District of Columbia and includes a political subdivision of a state. (49 CFR 390.5, October 1, 1998 1997)

"Trailer" includes:

"Full trailer" means any motor vehicle other than a pole trailer which is designed to be drawn by another motor vehicle and so constructed that no part of its weight, except for the towing device, rests upon the self-propelled towing motor vehicle unit. A semitrailer equipped with an auxiliary front axle (converter dolly) shall be considered a full trailer. (49 CFR 390.5, October 1, 1998 1997)

"Pole trailer" means any motor vehicle which is designed to be drawn by another motor vehicle and attached to the towing vehicle by means of a "reech" or "pole," or by being "boombed" or otherwise secured to the towing vehicle, for transporting long or irregularly shaped loads such as poles, pipes, or structural members, which generally are capable of sustaining themselves as beams between the supporting connections. (49 CFR 390.5, October 1, 1998 1997)



## DEPARTMENT OF TRANSPORTATION

## NOTICE OF PROPOSED AMENDMENTS

"Semitrailer" means any motor vehicle, other than a pole trailer, which is designed to be drawn by another motor vehicle and is constructed so that some part of its weight rests upon the self-propelled towing vehicle. (49 CFR 390.5, October 1, 1998 ~~1997~~)

"Truck" means any self-propelled commercial motor vehicle except a truck tractor ~~truck/tractor~~, designed and/or used for the transportation of property. (49 CFR 390.5, October 1, 1998 ~~1997~~)

"Truck tractor ~~truck/tractor~~" means a self-propelled commercial motor vehicle designed and/or used primarily for drawing other vehicles. (49 CFR 390.5, October 1, 1998 ~~1997~~)

"United States" means the 50 states and the District of Columbia. (49 CFR 390.5, October 1, 1998 ~~1997~~)

"US DOT" means the United States Department of Transportation.

(Source: Amended at 23 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 390.1030 Rules of Construction

a) In the IMCSR MESR unless the context requires otherwise:

- 1) Words imparting the singular include the plural;
- 2) Words imparting the plural include the singular; and
- 3) ~~Words imparting the masculine gender include the feminine and~~
- 3.147 Words imparting the present tense include the future tense. (49 CFR 390.7, October 1, 1998 ~~1997~~)

b) In the IMCSR MESR:

- 1) "Officer" includes any person authorized by law to perform the duties of the officer;
- 2) "Writing" includes printing and typewriting;
- 3) "Shall" is used in an imperative sense;
- 4) "Must" is used in an imperative sense;
- 5) "Should" is used in a recommendatory sense;
- 6) "May" is used in a permissive sense; and
- 7) "Includes" is used as a word of inclusion, not limitation. (49 CFR 390.7, October 1, 1998 ~~1997~~)

(Source: Amended at 23 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## SUBPART B: GENERAL REQUIREMENTS AND INFORMATION

## Section 390.2000 Incorporation by Reference

## DEPARTMENT OF TRANSPORTATION

## NOTICE OF PROPOSED AMENDMENTS

a) 49 CFR 390, subparts B and D are hereby incorporated by reference as those subparts of the Federal Motor Carrier Safety Regulations (FMCSRs) were in effect on October 1, 1998 ~~1997~~, ~~as amended at 63 FR 33554, June 10, 1998~~, subject only to the exceptions in subsection (b). No later amendments to or editions of 49 CFR 390, subpart B and D are incorporated.

b) The following interpretations of, additions to and deletions from 49 CFR 390, subparts B and D shall apply for the purposes of this Subpart.

- 1) 49 CFR 390.9 is deleted and not incorporated.
- 2) 49 CFR Section 390.15 is not incorporated and the following is substituted therefor:

A motor carrier shall make all records and information pertaining to an accident available to an authorized representative or special agent of the Federal Highway Administration or Illinois Department of Transportation upon request or as part of any inquiry within such time as the request or inquiry may specify. A motor carrier shall give an authorized representative of the Federal Highway Administration or Illinois Department of Transportation all reasonable assistance in the investigation of any accident including providing a full, true and correct answer to any question of the inquiry.

- 3) 49 CFR 390.21 applies only to commercial motor vehicles engaged in interstate commerce.
- 4) Section 49 CFR 390.23(a)(2)(i)(A) is not incorporated and the following substituted therefor:

An emergency has been declared by a Federal, State or local government official having authority to declare an emergency, including but not limited to the Illinois Department of Transportation's Director, Division of Traffic Safety, or his designee.

- 5) 49 CFR 390.25 applies only to commercial motor vehicles engaged in interstate commerce.
- 6) 49 CFR Section 390.29(b) is not incorporated and the following is substituted therefor:

All records and documents required by this Subchapter d that are maintained at a regional office or driver work-reporting location shall be made available for inspection upon request by a special agent or authorized representative of the Federal Highway Administration or Illinois Department of Transportation at the motor carrier's principal place of business or other location specified by the agent or representative within 48 hours after a request is made. Saturdays, Sundays, and Federal and State holidays are excluded from the computation of the 48-hour period of time.

- 7) 49 CFR 390, subpart D applies only to commercial motor vehicles engaged in interstate commerce.



## DEPARTMENT OF TRANSPORTATION

## NOTICE OF PROPOSED AMENDMENTS

- 8) Any reference to "this Part" in the incorporated material shall mean 92 Ill. Adm. Code 390.
- 9) Any reference to "this Chapter" or "this Subchapter" in the incorporated material shall mean 92 Ill. Adm. Code: Chapter I, Subchapter d.
- 10) Any reference to a section in the incorporated material shall be read to refer to that Section in the IMSCR MCSR.
- 11) Any reference to "Part 325 of Subchapter A" shall be read to refer to "Compliance with Interstate Motor Carrier Noise Emission Standards." (49 CFR 325, October 1, 1998 1997)

(Source: Amended at 23 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## DEPARTMENT OF TRANSPORTATION

## NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Parts and Accessories Necessary for Safe Operation
- 2) Code Citation: 92 Ill. Adm. Code 393
- 3) Section Numbers: 393.2000  
Proposed Action: Amended
- 4) Statutory Authority: Implementing, and authorized by Sections 18b-102 and 18b-105 of, the Illinois Motor Carrier Safety Law (625 ILCS 5/Ch. 18B).
- 5) A Complete Description of the Subjects and Issues Involved: By this notice of proposed amendment, the Department is updating the date of incorporation by reference of 49 CFR 393 as of October 1, 1998 and including the federal rulemaking adopted at 64 FR 15588, March 31, 1999. This rulemaking incorporates by reference changes made in the following Docket:
- (64 FR 15588, March 31, 1999) amends the regulations to require motor carriers to install retroreflective tape or reflex reflectors on the sides and rear of semitrailers and trailers that were manufactured prior to December 1, 1993; that have an overall width of 80 inches or more; and that have a gross vehicle weight rating of 10,000 pounds or more.

- 6) Will this proposed rulemaking replace an emergency rule currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this proposed amendment contain incorporations by reference? Yes
- 9) Are there any other proposed amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives: This proposed amendment will affect units of local government that own or operate commercial motor vehicles.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Any interested party may submit written comments or arguments concerning this proposed rulemaking. Written submissions shall be filed with:

By U.S. Mail:

Ms. Cathy Allen  
Regulations Unit  
Illinois Department of Transportation  
Division of Traffic Safety

## DEPARTMENT OF TRANSPORTATION

## NOTICE OF PROPOSED AMENDMENT

P.O. Box 19212  
Springfield, Illinois 62794-9212  
(217) 785-1181

By Messenger or Inter-Agency Mail:

DOT Annex Building  
3215 Executive Park Drive  
Commercial Vehicle Safety; 3rd Floor  
Springfield, Illinois

JCAR requests, comments and concerns regarding this rulemaking should be addressed to:

Ms. Christine Caronna-Beard, Rules Manager  
Illinois Department of Transportation  
2300 South Dirksen Parkway  
Room 311  
Springfield, Illinois 62764  
(217) 782-3215

Comments received within 45 days after the date of publication of this Illinois Register will be considered. Comments received after that time will be considered, time permitting.

## 12) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses, small municipalities and not-for-profit corporations affected: This proposed amendment affects small businesses that own or operate commercial motor vehicles.
- B) Reporting, bookkeeping or other procedures required for compliance: No new or additional procedures are required.
- C) Types of professional skills necessary for compliance: None

## 13) Regulatory Agenda on which this rulemaking was summarized: July 1999

The full text of the Proposed Amendment begins on the next page:

## DEPARTMENT OF TRANSPORTATION

## NOTICE OF PROPOSED AMENDMENT

TITLE 92: TRANSPORTATION  
CHAPTER I: DEPARTMENT OF TRANSPORTATION  
SUBCHAPTER d: MOTOR CARRIER SAFETY REGULATIONS

## PART 393

## PARTS AND ACCESSORIES NECESSARY FOR SAFE OPERATION

Section  
393.1000 General  
393.2000 Incorporation by Reference of 49 CFR 393

**AUTHORITY:** Implementing, and authorized by Sections 18b-102 and 18b-105 of, the Illinois Motor Carrier Safety Law [625 ILCS 5/Ch. 18B].

**SOURCE:** Adopted at 14 Ill. Reg. 15537, effective September 10, 1990; amended at 15 Ill. Reg. 13185, effective August 21, 1991; amended at 18 Ill. Reg. 774, effective January 11, 1994; amended at 19 Ill. Reg. 13070, effective August 30, 1995; amended at 20 Ill. Reg. 15362, effective November 18, 1996; amended at 21 Ill. Reg. 5124, effective March 31, 1999; amended at 23 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## Section 393.2000 Incorporation by Reference of 49 CFR 393

- a) "Parts and Accessories Necessary for Safe Operation" (49 CFR 393) is incorporated by reference as that part of the Federal Motor Carrier Safety Regulations (FMCSR) (49 CFR 390, 391, 392, 393, 395, 396, and 397) that was in effect on October 1, 1998, as amended at 61 FR 15586; March 31, 1998 1997--as amended at 63 FR 13697--January 97-1997--as amended at 63 FR 63897--February 18, 1998--and as amended at 63 FR 24547--May 4, 1998, subject only to the exceptions in subsection (c). No later amendments to or editions of 49 CFR 393 are incorporated.
- b) References to subchapters, parts, subparts, sections or paragraphs shall be read to refer to the appropriate citation in 49 CFR.
- c) The following interpretations of, additions to, and deletions from 49 CFR 393 shall apply for purposes of this Part.

- 1) 49 CFR Section 393.93 shall not apply to those commercial motor vehicles engaged in intrastate commerce which were manufactured before June 30, 1972 (Section 18b-105(c)(1) of the Illinois Motor Carrier Safety Law (the Law) [625 ILCS 5/18b-105(c)(1)]).
- 2) 49 CFR Section 393.86 shall not apply for those vehicles registered as farm trucks under Section 3-815(c) of the Illinois Vehicle Code (the Code) [625 ILCS 5/3-815(c)] and utilized in intrastate commerce (Section 18b-105(c)(2) of the Law).
- 3) Authorized Illinois State Police shall place vehicles out-of-service for any violation of the Illinois Motor Carrier Safety Law [625 ILCS 5/Ch. 18B] or the Illinois Motor Carrier Safety Regulations that warrants placing the vehicle out-of-service under the "North American Uniform Out-of-Service

DEPARTMENT OF TRANSPORTATION  
NOTICE OF PROPOSED AMENDMENT

Criteria" as defined at 92 Ill. Adm. Code 390.1020.

(Source: Amended at 23 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

DEPARTMENT OF TRANSPORTATION  
NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Procedures and Enforcement

2) Code Citation: 92 Ill. Adm. Code 386

3) Section Numbers:	Proposed Action:
386.1010	Amend
386.1300	New Section
386.1310	New Section
386.1320	New Section
386.1330	New Section
386.1340	New Section
386.1350	New Section

4) Statutory Authority: Implementing, and authorized by Sections 18b-102 and 18b-105 of, the Illinois Motor Carrier Safety Law [625 ILCS 5/Ch. 18B].

5) A. Complete Description of the Subjects and Issues Involved: By this Notice of Proposed Amendments, the Department is establishing procedures by which a public utility may obtain administrative relief from the Illinois Motor Carrier Safety Regulations (IMCSR) in the form of an exemption. A definition of "Public Utility" is being added to Section 386.1010, and a new Subpart titled, "Subpart C: Public Utility Exemptions" is being added to the Part.

This rulemaking was initiated at the request of an Illinois public utility. That utility requested the establishment of an exemption process that would alleviate the need for public utilities to have to contact the Department when a natural disaster warrants a request for relief from the IMCSR. The Department is acting within the Federal Highway Administration's guidelines found at 49 CFR 350, Appendix C: "Tolerance Guidelines for Adopting Compatible State Rules and Regulations" to establish exemptions from the IMCSR. New Subpart C establishes specific requirements for commercial motor vehicles having a Gross Vehicle Weight Rating of 26,000 pounds or less and that are not either designed to transport more than 15 passengers, including the driver, or not used to transport hazardous materials in an amount requiring placarding. Separate requirements for those commercial motor vehicles having a Gross Vehicle Weight Rating of more than 26,000 pounds are also set out in the new Subpart. Procedures for initial exemptions, renewals, as well as expiration and termination procedures are set out in the new Subpart. Finally, an appeals process is included for those applicants believing they have been wrongly denied an initial exemption or the renewal of an existing exemption.

6) Will this proposed rulemaking replace an emergency rule currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

## DEPARTMENT OF TRANSPORTATION

## NOTICE OF PROPOSED AMENDMENTS

- 8) Does this proposed amendment contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives: These proposed amendments establish exemption procedures for public utilities which are usually owned and operated by units of local government.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Any interested party may submit written comments or arguments concerning this proposed rulemaking. Written submissions shall be filed with:

By U.S. Mail:

Ms. Cathy Allen  
Regulations Unit  
Illinois Department of Transportation  
Division of Traffic Safety  
P.O. Box 19212  
Springfield, Illinois 62794-9212  
(217) 785-1181

By Messenger or Inter-Agency Mail:

DOT Annex Building  
3215 Executive Park Drive  
Commercial Vehicle Safety, 3rd Floor  
Springfield, Illinois

JCAR requests, comments and concerns regarding this rulemaking should be addressed to:

Ms. Christine Caronna-Beard, Rules Manager  
Illinois Department of Transportation  
2300 South Dirksen Parkway  
Room 311  
Springfield, Illinois 62764  
(217) 782-3215

Comments received within 45 days after the date of publication of this Illinois Register will be considered. Comments received after that time will be considered, time permitting.

12) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses, small municipalities and not for profit corporations affected: This proposed amendment does not affect small

## DEPARTMENT OF TRANSPORTATION

## NOTICE OF PROPOSED AMENDMENTS

businesses.

- B) Reporting, bookkeeping or other procedures required for compliance: No new or additional procedures are required.

- C) Types of professional skills necessary for compliance: None

- 13) Regulatory Agenda on which this rulemaking was summarized: July 1999

The full text of the Proposed Amendments begins on the next page:

DEPARTMENT OF TRANSPORTATION  
NOTICE OF PROPOSED AMENDMENTS

TITLE 92: TRANSPORTATION  
CHAPTER I: DEPARTMENT OF TRANSPORTATION  
SUBCHAPTER d: MOTOR CARRIER SAFETY REGULATIONS

PART 386  
PROCEDURES AND ENFORCEMENT

SUBPART A: GENERAL PROVISIONS

Section	
386.1000	Scope
386.1010	Definitions
386.1020	Service
386.1030	Subpoenas

SUBPART B: ENFORCEMENT

Section	
386.1040	Responsibility for Enforcement
386.1050	Investigations
386.1060	Inspection of Records and Motor Vehicles
386.1070	Out of Service
386.1080	Record of Inspection
386.1090	Warning Letter
386.1110	Maximum Penalties
386.1120	Commencement of Civil Penalty Proceeding
386.1130	Reply
386.1140	Payment of Penalty
386.1150	Request for Hearing
386.1160	Hearing
386.1170	Presiding Officer's Decision
386.1180	Assessment Considerations
386.1190	Appeal
386.1200	Willful Violations

SUBPART C: PUBLIC UTILITY EXEMPTIONS

Section	
386.1300	Purpose and Scope
386.1310	Exemptions for a Public Utility
386.1320	Initial Exemptions: Application and Review
386.1330	Renewals
386.1340	Expiration and Termination of an Exemption
386.1350	Appeal

AUTHORITY: Implementing, and authorized by Sections 18b-102 and 18b-105 of, the Illinois Motor Carrier Safety Law [625 ILCS 5/Ch. 18B].

DEPARTMENT OF TRANSPORTATION  
NOTICE OF PROPOSED AMENDMENTS

SOURCE: Adopted at 14 Ill. Reg. 15542, effective September 10, 1990; amended at 18 Ill. Reg. 778, effective January 11, 1994; amended at 19 Ill. Reg. 13073, effective August 30, 1995; amended at 23 Ill. Reg. 5128, effective March 31, 1999; amended at 23 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

SUBPART A: GENERAL PROVISIONS

Section 386.1010 Definitions

As used in this Part:

"Applicant" means a public utility that submits an application.

"Department" means the Illinois Department of Transportation.

"Director" means the Director of the Division of Traffic Safety whose office is located at:

Illinois Department of Transportation  
P.O. Box 19212  
3215 Executive Park Drive  
Springfield, Illinois 62794-9212 62793

"Division" means the Division of Traffic Safety of the Illinois Department of Transportation.

"Exemption" means a document issued under the authority of the Division that authorizes a person to perform a function that is not otherwise authorized under the Illinois Motor Carrier Safety Regulations.

"Illinois State Police" means any individual officer of the Illinois State Police.

"Material(ly) Materiality" means anything which relates to any substantive issue that is of consequence to the determination of a proceeding.

"Officer" means an employee of the Illinois Department of Transportation.

"Public Utility" means a firm lawfully licensed and engaged in any of the following: the transmission of telegraphic or telephonic messages; the production, storage, transmission, distribution, sale, delivery, or furnishing of heat, cold, light, power, electricity, gas, or water; or the installation or repair of facilities for any of these foregoing activities.



## DEPARTMENT OF TRANSPORTATION

## NOTICE OF PROPOSED AMENDMENTS

"Relevant" means having any tendency to make the existence of any fact that is of consequence to the determination of the proceeding more probable or less probable than it would be without that information.

"Respondent" means a person upon whom the Department has served a Notice of Intent to Assess Civil Monetary Penalty or a Notice of Probable Violation.

"Secretary" means the Secretary of the Illinois Department of Transportation.

"Undue Delay" means delay which is unwarranted, unjustified, or improper.

(Source: Amended at 23 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## SUBPART B: ENFORCEMENT

## SUBPART C: PUBLIC UTILITY EXEMPTIONS

**Section 386.1300 Purpose and Scope**

This Subpart C prescribes procedures by which a public utility, as defined in Section 386.1010 and that is not subject to the federal Motor Carrier Safety Regulations, may obtain administrative relief from the Illinois Motor Carrier Safety Regulations (IMCSR) in the form of an exemption. Exemptions provided for in this Subpart C will be granted only when they insure levels of safety consistent with the public interest, with the Illinois Motor Carrier Safety Regulations, and with the tolerance guidelines established in 49 CFR 350. Appendix C.

(Source: Added at 23 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 386.1310 Exemptions for a Public Utility**

- a) Only those intrastate public utility commercial motor vehicles and their drivers that meet the requirements of this Subpart C are eligible for an exemption.
- b) Upon application, public utility commercial motor vehicles operated solely in intrastate commerce as defined in 92 Ill. Adm. Code 390.1020 with a gross vehicle weight rating (GVWR) or gross combination weight rating (GCWR) of 26,000 pounds or less and that are not either designed to transport more than 15 passengers, including the driver, or used to transport hazardous materials in an amount requiring placarding, will be considered for an exemption from the Illinois Motor Carrier Safety Regulations with the exception of 92 Ill. Adm.

## DEPARTMENT OF TRANSPORTATION

## NOTICE OF PROPOSED AMENDMENTS

Code 391 - Qualification of Drivers.

- c) Upon application, drivers of solely intrastate public utility commercial motor vehicles having a GVWR or GCWR greater than 26,000 pounds will be considered for an exemption from some provisions of 92 Ill. Adm. Code 395 - Hours of Service of Drivers. The following subsections establish the requirements in lieu of 92 Ill. Adm. Code 395 for those drivers:

- 1) Expansion of the 10 hour driving rule limit to a 12 hour driving rule limit;
- 2) Increase the combination of driving time and on-duty but not driving time from 15 hours to 16 hours; and
- 3) Increase the current 60 hour rule to 70 hours in seven consecutive days and increase the 70 hour rule to 80 hours in eight consecutive days.

(Source: Added at 23 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 386.1320 Initial Exemptions: Application and Review**

- a) A public utility may apply to the Director for an exemption from the IMCSR as described in Section 386.1310(b) and (c).
- b) Each application filed under this Section for an exemption must:
  - 1) Be submitted to:

Director, Division of Traffic Safety  
Illinois Department of Transportation  
3215 Executive Park Drive, P.O. Box 19212  
Springfield, Illinois 62794-9212

- 2) Reference the exemption being sought under Section 386.1310;
- 3) State the name, address, and telephone number of the applicant;
- 4) Certify that the vehicles for which an exemption is sought are used for the delivery of essential utility services to the public;
- 5) Certify that the public utility systematically inspects, repairs and maintains all commercial motor vehicles operating under the exemption as incorporated by reference in 92 Ill. Adm. Code 396. Parts and accessories shall be in safe and proper operating condition at all times. This Subpart C does not provide for exemption from the semi-annual inspection required by the Illinois Vehicle Inspection Law (625 ILCS 5/13-101 and 13-1091);
- 6) For vehicles controlled by the public utility for 30 consecutive days or more, the utility must maintain or cause to be maintained records as incorporated by reference in 92 Ill. Adm. Code 396. If requested, the public utility must make these records available for inspection by an officer of the Department;
- 7) Certify that the firm's drivers of the commercial motor vehicles

## DEPARTMENT OF TRANSPORTATION

## NOTICE OF PROPOSED AMENDMENTS

fully comply with the driver qualification standards outlined in 92 Ill. Adm. Code 391:

- 8) Submit the number of commercial motor vehicles owned or leased by the firm having a GVWR or GCWR of 26,000 pounds or less for which an exemption is requested;
- 9) Submit the number of commercial motor vehicles owned or leased by the firm having a GVWR or GCWR greater than 26,000 pounds for which hours of service relief is requested;
- 10) Make available for inspection by an officer of the Department comprehensive fleet accident information for the previous two years and annual total fleet mileage; (See 92 Ill. Adm. Code 390.1020 for definition of accident.)
- 11) Identify any increased risks that are likely to result if an exemption is granted, and specify the safety control measures that the applicant considers necessary or appropriate to compensate for those increased risks;
- 12) State the reasons why the applicant believes the requested exemption, including any safety control measures specified by the applicant, will achieve a level of safety that:
  - A) Is at least equal to that specified in the IMCSR from which the exemption is sought; or
  - B) If the IMCSR do not contain a specified level of safety, will be consistent with the public interest and will protect against the risks of life and property;

- 13) Certify that the transportation described in the requested exemption is not governed by the Federal Motor Carrier Safety Regulations.

c) If the applicant seeks to have the application processed on a priority basis, the applicant must set forth the supporting facts and reasons. If the Director, or his/her designated officer, determines that the request warrants priority consideration, e.g., because of a natural disaster, the application will be processed as timely as practicable. To permit timely consideration, an application should be submitted at least 60 days before the requested effective date.

d) If the applicant states that the information contained in the application constitutes trade secrets or commercial or financial information, the applicant must include a statement as to why the information is privileged or confidential.

e) Upon receipt by the Division, the application will be date and time-stamped. The Division will determine whether the application is complete and in conformance with this Subpart C. Incomplete applications will be returned along with a letter containing the reasons the application is incomplete. In that case, the applicant will be requested to supply additional information or documentation. An applicant that does not supply such additional information or documentation will not be approved.

f) When the Division determines that the application is complete, an on-site visit will be conducted within 60 calendar days of receipt of

## DEPARTMENT OF TRANSPORTATION

## NOTICE OF PROPOSED AMENDMENTS

that determination to verify that, for example, driver qualification requirements are being met and that the required vehicle repair, inspection and maintenance records are being maintained.

h) A decision regarding the granting of an exemption will be based upon the application and record assembled by the Division.

i) A letter of approval will be mailed by the Director, or his/her designated officer, to the applicant granting the exemption. The exemption is effective for a two year period from the date of the approval letter.

j) A letter of denial containing a statement of the reasons why the applicant has not been granted an exemption and the provisions of Subpart C that support the denial will be mailed to applicants denied exemptions. Applicants denied an exemption may:

- 1) Correct deficiencies listed in the letter of denial and reapply if the application can be modified to meet the Department's objections as specified in the letter of denial; or
  - 2) Appeal the decision (see Section 386.1350 for appeal procedures).
- k) At any time there is a material change in the application or in any information relevant to the exemption, the applicant shall promptly notify the Division. Failure to notify the Division will result in termination of the exemption.

(Source: Added at 23 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 386.1330 Renewals

a) Each application for the renewal of an exemption issued under this Subpart C must be filed prior to the expiration of the exemption. To permit timely consideration, an application for renewal should be submitted at least sixty calendar days before the expiration of the exemption. An exemption that is allowed to lapse will not be considered a renewal. Initial application procedures as outlined in Section 386.1320 will apply in the case of lapsed exemptions. The exemption of an applicant that has timely filed an application for renewal will continue pending the consideration of the renewal.

b) Each application for the renewal of an exemption issued under this Subpart C must:

- 1) Be submitted to:

Director, Division of Traffic Safety  
Illinois Department of Transportation  
3215 Executive Park Drive, P.O. Box 19212  
Springfield, Illinois 62794-9212

- 2) Identify the exemption for which a renewal is requested;
- 3) State the name, address, and telephone number of the applicant;
- 4) Include:

## DEPARTMENT OF TRANSPORTATION

## NOTICE OF PROPOSED AMENDMENTS

- A) A certification by the applicant that the information submitted in the original application, or as may have been updated by any subsequent application for renewal, is accurate and correct, or
- B) Such amendments to the previously submitted information as necessary to update it and assure its accuracy and correctness;
- 5) Include a statement describing all accident experience that has occurred in connection with the exemption since its issuance or most recent renewal, or, if no accidents have occurred, a certification to that effect. (See 92 Ill. Adm. Code 390.1020 for the definition of accident.)
- C) Upon receipt by the Division, the Division will date and time-stamp the application for renewal. The Division will determine whether the application is complete and in conformance with this Subpart C. The applicant will be requested to supply missing information or attachments.
- d) When the Division determines that the application for renewal is complete, an on-site visit will be conducted within sixty calendar days of the determination to verify that, for example, driver qualification requirements are being met and that the required vehicle repair, inspection and maintenance records are being maintained.
- e) A decision regarding the renewal of an exemption will be based upon the application and record assembled by the Division. Exemptions will not be renewed unless the record establishes that the applicant meets the requirements of this Subpart C.
- f) A letter of approval will be mailed by the Director granting the renewal of the exemption. The renewal is effective for a two year period from the date of the approval letter.
- g) A letter of denial containing a statement of the reasons why the exemption has not been renewed and the provisions of Subpart C that support the denial will be mailed to an applicant denied renewal.
- h) Applicants denied a renewal may correct deficiencies listed in the letter of denial and reapply if the application for renewal can be modified to meet the Department's objections as specified in the letter of denial, or, applicants may appeal the decision as provided for in Section 386.1350 of this Subpart C.
- i) At any time there is a material change in the application for renewal or in any information relevant to the exemption, the applicant shall promptly notify the Division. Failure to notify the Division will result in termination of the exemption.

(Source: Added at 23 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 386.1340 Expiration and Termination of an Exemption

- a) An exemption and any renewal thereof expires according to its terms

## DEPARTMENT OF TRANSPORTATION

## NOTICE OF PROPOSED AMENDMENTS

- but not later than two years after the date of issuance unless terminated sooner pursuant to subsection (b) of this Section.
- b) The Director, or his/her designated officer, may terminate an exemption if the Director, or his/her designated officer, obtains any information evidencing that:

- 1) Any activity under the exemption is not being performed in accordance with the terms of the exemption or this Subpart C; or
  - 2) On the basis of information not available at the time the exemption was granted, a termination of the exemption is necessary to adequately protect against risks to life and property; or
  - 3) The exemption is no longer consistent with the public interest; or
  - 4) The exemption is no longer necessary because of an amendment to the Illinois Motor Carrier Safety Regulations; or
  - 5) The exemption was granted on the basis of false, fraudulent, or misleading representations or information by the applicant in an application.
- c) Unless the Director, or his/her designated officer, believes that immediate termination is necessary to abate the risk of an imminent hazard, the Director, or his/her designated officer, will notify the firm in writing within 30 calendar days of the Director's, or his/her designated officer's, intent to terminate and the reasons therefor.
- d) A letter of termination will be sent to the firm by certified mail, return receipt requested. The letter, mailed by the Division, will include:
- 1) a statement of the reasons for termination of the exemption;
  - 2) the provisions of this Subpart C and the IMCSR that support termination; and
  - 3) a statement that the letter of termination is final unless an appeal is filed in accordance with Section 386.1350.
- e) The filing of an appeal will stay the effect of the notice of termination pending determination of the review of the appeal.
- f) If a firm does not file an appeal, it may reapply for an exemption one calendar year after the date of the letter of termination.

(Source: Added at 23 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 386.1350 Appeal

- a) Any applicant for an exemption or renewal of an exemption believing that it has wrongly been denied or a firm holding an exemption that has been terminated may, within thirty calendar days of receiving the written letter advising it of that decision from the Division, file a written appeal with the Secretary stating areas of disagreement and providing evidence, if possible, to rebut the Department's decision.
- b) This appeal shall be directed to:

## DEPARTMENT OF TRANSPORTATION

## NOTICE OF PROPOSED AMENDMENTS

Secretary

Illinois Department of Transportation  
2300 South Dirksen Parkway, Room 300  
Springfield, Illinois 62764

c) The Secretary will affirm or revise, in writing, the initial determination within thirty calendar days of having received the appeal. Once the Secretary has made a final decision, that decision goes into effect immediately.

d) The firm will be notified in writing of the Secretary's decision.

(Source: Added at 23 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## DEPARTMENT OF TRANSPORTATION

## NOTICE OF PROPOSED AMENDMENT

1) Heading of the Part: Qualification of Drivers

2) Code Citation: 92 Ill. Adm. Code 391

3) Section Numbers:  
391.2000  
Proposed Action:  
Amend

4) Statutory Authority: Implementing, and authorized by Sections 18b-102 and 18b-105 of, the Illinois Motor Carrier Safety Law (625 ILCS 5/Ch. 18b).

5) A Complete Description of the Subjects and Issues Involved: By this Notice of Proposed Amendment, the Department is updating the date of incorporation by reference of 49 CFR 391 as of October 1, 1998. Additionally, the Department is proposing to remove provisions at Section 391.2000(c)(9), (10) and (11) for consistency with the federal regulations.

6) Will this proposed rulemaking replace an emergency rule currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this proposed amendment contain incorporations by reference? Yes

9) Are there any other proposed amendments pending on this Part? No

10) Statement of Statewide Policy Objectives: This proposed amendment will affect units of local government that own or operate commercial motor vehicles.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Any interested party may submit written comments or arguments concerning this proposed rulemaking. Written submissions shall be filed with:

By U.S. Mail:

Ms. Cathy Allen  
Regulations Unit  
Illinois Department of Transportation  
Division of Traffic Safety  
P.O. Box 19212  
Springfield, Illinois 62794-9212  
(217) 785-1181

By Messenger or Inter-Agency Mail:

DOT Annex Building



## DEPARTMENT OF TRANSPORTATION

## NOTICE OF PROPOSED AMENDMENT

3215 Executive Park Drive  
Commercial Vehicle Safety; 3rd Floor  
Springfield, Illinois

JCAR requests, comments and concerns regarding this rulemaking should be addressed to:

Ms. Christine Caronna-Beard, Rules Manager  
Illinois Department of Transportation  
2300 South Dirksen Parkway  
Room 311  
Springfield, Illinois 62764  
(217) 782-3215

Comments received within 45 days after the date of publication of this *Illinois Register* will be considered. Comments received after that time will be considered, time permitting.

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: This proposed amendment affects small businesses that own or operate commercial motor vehicles.

B) Reporting, bookkeeping or other procedures required for compliance: No new or additional procedures are required.

C) Types of professional skills necessary for compliance: None

## 13) Regulatory Agenda on which this rulemaking was summarized: July 1999

The full text of the Proposed Amendment begins on the next page:

## DEPARTMENT OF TRANSPORTATION

## NOTICE OF PROPOSED AMENDMENT

TITLE 92: TRANSPORTATION  
CHAPTER 1: DEPARTMENT OF TRANSPORTATION  
SUBCHAPTER 6: MOTOR CARRIER SAFETY REGULATIONS

## PART 391

## QUALIFICATION OF DRIVERS

Section  
391.1000 General  
391.2000 Incorporation By Reference of 49 CFR 391

AUTHORITY: Implementing, and authorized by Sections 18b-102 and 18b-105 of, the Illinois Motor Carrier Safety Law [625 ILCS 5/Ch. 18B].

SOURCE: Adopted at 14 Ill. Reg. 15560, effective September 10, 1990; amended at 15 Ill. Reg. 13189, effective August 21, 1991; amended at 16 Ill. Reg. 5362, effective March 23, 1992; amended at 16 Ill. Reg. 14715, effective September 14, 1992; amended at 18 Ill. Reg. 783, effective January 11, 1994; amended at 19 Ill. Reg. 13077, effective August 30, 1995; amended at 20 Ill. Reg. 15365, effective November 18, 1996; amended at 23 Ill. Reg. 5133, effective March 31, 1999; amended at 23 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

Section 391.2000 Incorporation By Reference of 49 CFR 391

- a) The Department hereby incorporates 49 CFR 391 by reference, as that part of the Federal Motor Carrier Safety Regulations (FMCSR) (49 CFR 390, 391, 392, 393, 395, and 397) that was in effect on October 1, 1998 ~~1997~~ ~~as amended at 63 FR 33554, June 18, 1998~~, subject only to the exceptions in subsection (c). No later amendments to or editions of 49 CFR 391 are incorporated.
- b) References to subchapters, parts, subparts, sections or paragraphs shall be read to refer to the appropriate citation in 49 CFR 391.
- c) The following interpretations of, additions to and deletions from 49 CFR 391 shall apply for purposes of this Part.

- 1) Authorized Illinois State Police shall place drivers out-of-service for any violation of the Illinois Motor Carrier Safety Law [625 ILCS 5/Ch. 18B] or the Illinois Motor Carrier Safety Regulations that warrants placing the driver out-of-service under the "North American Uniform Out-of-Service Criteria" as defined at 92 Ill. Adm. Code 390.1020
- 2) 49 CFR Section 391.11(b)(1) does not apply to the operator of a commercial motor vehicle used in intrastate commerce.
- 3) Paragraphs (b)(3) (insulin dependent diabetic) and (b)(10) (minimum visual acuity) of 49 CFR 391.41 shall not apply to the driver of a commercial motor vehicle with a gross vehicle weight rating or gross combination weight of over 12,000 lbs., used in the intrastate transportation of property who immediately prior to July 29, 1986 was eligible and licensed to operate a motor vehicle subject to the Illinois Motor Carrier Safety Regulations



DEPARTMENT OF TRANSPORTATION  
NOTICE OF PROPOSED AMENDMENT

(IMCSR) and was engaged in operating such vehicles, and who was disqualified on July 29, 1986 by the adoption of 49 CFR 391.41 by reason of the application of paragraphs (b)(3) and (b)(10) of 49 CFR 391.41 with respect to a physical condition existing at that time unless such driver has a record of accidents which would indicate a lack of ability to operate a motor vehicle in a safe manner. (Section 18b-105 of the Law)

- 4) Paragraphs (b)(3) (insulin dependent diabetic) and (b)(10) (minimum visual acuity) of 49 CFR 391.41 shall not apply to the driver of a commercial motor vehicle which either has a gross vehicle weight rating (GVWR) or gross combination weight rating (GCWR) of between 10,000 and 12,001 pounds; or which is designed to transport more than 15 passengers, including the driver; or which has a GVWR or GCWR of less than 12,001 pounds and transports hazardous materials in a quantity requiring placarding under the Illinois Hazardous Materials Transportation Act. The vehicle must be used in intrastate transportation. The driver must have been eligible and licensed to operate a motor vehicle subject to the IMCSR and engaged in operating such vehicle immediately prior to January 17, 1992. The driver must have been disqualified on January 17, 1992 by the adoption of Public Act 87-829 which made the IMCSR applicable to vehicles described above. The reason for disqualification must have been the application of paragraphs (b)(3) and (b)(10) of 49 CFR 391.41 with respect to a physical condition existing at that time. This exception does not apply to any driver who has a record of accidents which would indicate a lack of ability to operate a motor vehicle in a safe manner.

- 5) 49 CFR Section 391.43(a)(4) is not incorporated and the following substituted therefor:

Except as provided by 49 CFR 391.43(b) of this section, the medical examination shall be performed by a licensed medical examiner as defined in 92 Ill. Adm. Code 390.1020.

- 6) Physician assistants and advanced practice nurses can assist medical examiners in performing the medical examination. However, physician assistants and advanced practice nurses must work under the direction of a medical examiner and are prohibited from signing the medical examiner's certificate.

- 7) If a medical examiner determines that the driver is qualified to drive only in intrastate transportation due to the application of the provisions of Section 391.2000(c)(3) or 391.2000(c)(4) above, the following shall appear on the medical examiner's certificate:  
"Qualified only for intrastate transportation in Illinois."

- 8) 49 CFR Section 391.49(a) is not incorporated and the following substituted therefor:

A person who is not physically qualified to drive under 49 CFR 391, and who is otherwise qualified to drive a commercial motor vehicle, may drive a commercial motor

DEPARTMENT OF TRANSPORTATION  
NOTICE OF PROPOSED AMENDMENT

vehicle in interstate or intrastate transportation if the Regional Director, Motor Carrier Safety has granted a waiver to that person.

- 9) Section 391.43(a) is modified to cause 49 CFR 391.43(a) to apply to motor carriers and persons, except for private motor carriers of passengers, nonbusiness who operate a commercial motor vehicle, as defined in 49 CFR 391.85, in either interstate or intrastate commerce.

- 10) The definition of "commercial motor vehicle" in Section 391.85 is modified to include such vehicles operated in either interstate or intrastate commerce, and to not include farm machinery, fertilizer spreaders or other special agricultural movement equipment or implements of husbandry used in intrastate commerce.
- 11) Section 391.87(g) is not incorporated and the following substituted therefor:

A motor carrier shall produce upon demand and shall permit the Illinois Department of Transportation or Administrator of the IBSB to examine all records related to the administration and results of controlled substance testing performed under this Part.

(Source: Amended at 23 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF ADOPTED AMENDMENTS

## 1) Heading of the Part: Pay Plan

2) Code Citation: 80 Il. Adm. Code 310

## 3) Section Numbers: Adopted Action:

310. Appendix A, Table AA

Amend

310. Appendix A, Table H

Amend

310. Appendix A, Table J

Amend

310. Appendix A, Table O

Amend

310. Appendix A, Table R

Amend

310. Appendix A, Table W

Amend

310. Appendix A, Table X

Amend

310. Appendix A, Table Y

Amend

310. Appendix A, Table X

Amend

4) Statutory Authority: Authorized by Sections 8 and 8a of the Personnel Code [20 ILCS 415/8 and 8a].

5) Effective Date of Rulemaking: August 26, 1999

6) Does this rulemaking contain an automatic repeal date? No

7) Does this rulemaking contain incorporations by reference? No

8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Notice of Proposal Published in Illinois Register: May 7, 1999; Issue #19; 23 Ill. Reg. 5300

10) Has JCAR issued a Statement of Objections to these amendments? No

11) Differences between proposal and final version: As recommended by the Joint Committee on Administrative Rules, the word "hourly" was incorporated after the Intermittent Clerk (RC-014), Intermittent Unemployment Insurance Technician (RC-028), and Intermittent Laborer (Maintenance) (RC-042) to designation that these titles are paid on a hourly basis.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes

13) Will this rulemaking replace an emergency amendment currently in effect? No

14) Are there any amendments pending on this Part? Yes

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF ADOPTED AMENDMENTS

## Section Numbers Proposed Action Ill. Register Citation

310.470 Amend 23 Ill. Reg. 5215

310.280 Amend 23 Ill. Reg. 5973

310.230 Amend 23 Ill. Reg. 6533

310.230 Amend 23 Ill. Reg. 6720

310.110 Amend 23 Ill. Reg. 7820

310.130 Amend 23 Ill. Reg. 7820

310.290 Amend 23 Ill. Reg. 7820

310.530 Amend 23 Ill. Reg. 7820

310.540 Amend 23 Ill. Reg. 7820

310. Appendix B Amend 23 Ill. Reg. 7820

310. Appendix C Amend 23 Ill. Reg. 7820

310. Appendix D Amend 23 Ill. Reg. 7820

310. Appendix G Amend 23 Ill. Reg. 7820

15) Summary and Purpose of Amendments: In Section 310. Appendix A, Table AA NR-916 (Department of Natural Resources, Teamsters), the salary ranges were increased as reflected in the text, effective January 16, 1999

The salary ranges of the Maximum Security Institutions Schedule for July 1999 for the AFSCME Collective Bargaining Units were corrected to reflect a \$50 a month adjustment to the steps on July 1, 1999, in addition to the general wage increase.

Also, in Section 310. Appendix A, Table W RC-062 (Technical Employees, AFSCME), the salary range of RC-062-24 was included in the Maximum Security Institutions Schedule, effective July 1999.

16) Information and questions regarding these adopted amendments shall be directed to:

Mr. Michael Murphy  
Department of Central Management Services  
Division of Technical Services  
504 William G. Stratton Building  
Springfield Illinois 62706  
(217) 782-5601

The full text of the adopted amendments begins on the next page:

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF ADOPTED AMENDMENTS

## TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES

## SUBTITLE B: PERSONNEL RULES, PAY PLANS, AND

## POSITION CLASSIFICATIONS

## CHAPTER 1: DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## PART 310

## PAY PLAN

## SUBPART A: NARRATIVE

Section	
310.20	Policy and Responsibilities
310.30	Jurisdiction
310.40	Pay Schedules
310.50	Definitions
310.60	Conversion of Base Salary to Pay Period Units
310.70	Conversion of Base Salary to Daily or Hourly Equivalents
310.80	Increases in Pay
310.90	Decreases in Pay
310.100	Other Pay Provisions
310.110	Implementation of Pay Plan Changes for Fiscal Year 1999
310.120	Interpretation and Application of Pay Plan
310.130	Effective Date
310.140	Reinstitution of Within Grade Salary Increases
310.150	Fiscal Year 1985 Pay Changes in Schedule of Salary Grades, Effective July 1, 1984 (Repealed)

## SUBPART B: SCHEDULE OF RATES

Section	
310.205	Introduction
310.210	Prevailing Rate
310.220	Negotiated Rate
310.230	Part-Time Daily or Hourly Special Services Rate
310.240	Hourly Rate
310.250	Member, Patient and Inmate Rate
310.260	Trainee Rate
310.270	Legislated and Contracted Rate
310.280	Designated Rate
310.290	Out-of-State or Foreign Service Rate
310.300	Educator Schedule for RC-063 and HR-010
310.310	Physician Specialist Rate
310.320	Annual Compensation Ranges for Executive Director and Assistant Executive Director, State Board of Elections
310.330	Excluded Classes Rate (Repealed)

## SUBPART C: MERIT COMPENSATION SYSTEM

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF ADOPTED AMENDMENTS

Section	
310.410	Jurisdiction
310.420	Objectives
310.430	Responsibilities
310.440	Merit Compensation Salary Schedule
310.450	Procedures for Determining Annual Merit Increases
310.455	Intermittent Merit Increase
310.456	Merit Zone (Repealed)
310.460	Other Pay Increases
310.470	Adjustment
310.480	Decreases in Pay
310.490	Other Pay Provisions
310.495	Broad-Band Pay Range Classes
310.500	Definitions
310.510	Conversion of Base Salary to Pay Period Units
310.520	Conversion of Base Salary to Daily or Hourly Equivalents
310.530	Implementation
310.540	Annual Merit Increase Guidechart for Fiscal Year 1999
310.550	Fiscal Year 1985 Pay Changes in Merit Compensation System, effective July 1, 1984 (Repealed)

## APPENDIX A

Table	Negotiated Rates of Pay	State of
TABLE A	HR-190 (Department of Central Management Services - Illinois Building - SEIU)	Management Services -
TABLE AA	HR-916 (Department of Natural Resources, Teamsters)	
TABLE B	NR-200 (Department of Labor - Chicago, Illinois - SBIU)	
TABLE C	RC-069 (Firefighters, AFSCME) (Repealed)	
TABLE D	HR-001 (Teamsters Local #726)	
TABLE E	RC-020 (Teamsters Local #330)	
TABLE F	RC-019 (Teamsters Local #25)	
TABLE G	RC-045 (Automotive Mechanics, IPFE)	
TABLE H	RC-006 (Corrections Employees, AFSCME)	
TABLE I	RC-009 (Institutional Employees, AFSCME)	
TABLE J	RC-014 (Clerical Employees, AFSCME)	
TABLE K	RC-023 (Registered Nurses, INA)	
TABLE L	RC-008 (Boilermakers)	
TABLE M	RC-110 (Conservation Police Lodge)	
TABLE N	RC-010 (Professional Legal Unit, AFSCME)	
TABLE O	RC-028 (Paraprofessional Human Services Employees, AFSCME)	
TABLE P	RC-029 (Paraprofessional Investigatory and Law Enforcement Employees, IPFE)	
TABLE Q	RC-033 (Meat Inspectors, IPFE)	
TABLE R	RC-042 (Residual Maintenance Workers, AFSCME)	
TABLE S	HR-012 (Fair Employment Practices Employees, SEIU)	
TABLE T	HR-010 (Teachers of Deaf, IPT)	
TABLE U	HR-010 (Teachers of Deaf, Extracurricular Paid Activities)	
TABLE V	CU-500 (Corrections, Meet and Confer Employees)	
TABLE W	RC-062 (Technical Employees, AFSCME)	

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF ADOPTED AMENDMENTS

TABLE X	RC-063 (Professional Employees, AFSCME)
TABLE Y	RC-063 (Educators, AFSCME)
TABLE Z	RC-063 (Physicians, AFSCME)
APPENDIX A	Schedule of Salary Grades - Monthly Rates of Pay for Fiscal Year 1999
APPENDIX B	Medical Administrator Rates for Fiscal Year 1999
APPENDIX C	Metric Compensation System Salary Schedule for Fiscal Year 1999
APPENDIX D	Teaching Salary Schedule (Repealed)
APPENDIX E	Physician and Physician Specialist Salary Schedule (Repealed)
APPENDIX F	Broad-Band Pay Range Classes Salary Schedule for Fiscal Year 1999
APPENDIX G	

**AUTHORITY:** Implementing and authorized by Sections 8 and 8a of the Personnel Code [20 ILCS 415/8 and 8a].

**SOURCE:** Filed June 28, 1967; codified at 8 Ill. Reg. 1559; emergency amendment at 8 Ill. Reg. 1990, effective January 31, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 2440, effective February 15, 1984; emergency amendment at 8 Ill. Reg. 3348, effective March 5, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 4249, effective March 16, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 5704, effective April 16, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 7290, effective May 11, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 11299, effective June 25, 1984; emergency amendment at 8 Ill. Reg. 12616, effective July 1, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 15007, effective August 6, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 15367, effective August 13, 1984; emergency amendment at 8 Ill. Reg. 21310, effective October 10, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 21544, effective October 24, 1984; amended at 8 Ill. Reg. 22844, effective November 14, 1984; emergency amendment at 9 Ill. Reg. 1134, effective January 16, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 1320, effective January 23, 1985; amended at 9 Ill. Reg. 3681, effective March 12, 1985; emergency amendment at 9 Ill. Reg. 4163, effective March 15, 1985, for a maximum of 150 days; emergency amendment at 9 Ill. Reg. 9231, effective May 31, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 9420, effective June 7, 1985; amended at 9 Ill. Reg. 10663, effective July 1, 1985; emergency amendment at 9 Ill. Reg. 15043, effective September 24, 1985, for a maximum of 150 days; emergency amendment at 10 Ill. Reg. 3325, effective January 22, 1986; amended at 10 Ill. Reg. 3230, effective January 24, 1986; emergency amendment at 10 Ill. Reg. 8904, effective May 13, 1986, for a maximum of 150 days; emergency amendment at 10 Ill. Reg. 8928, effective May 13, 1986; emergency amendment at 10 Ill. Reg. 12090, effective June 30, 1986, for a maximum of 150 days; emergency amendment at 10 Ill. Reg. 13675, effective July 31, 1986; emergency amendment at 10 Ill. Reg. 14867, effective August 26, 1986; amended at 10 Ill. Reg. 15567, effective September 17, 1986; emergency amendment at 10 Ill. Reg. 17765, effective September 30, 1986, for a maximum of 150 days; emergency amendment at 10 Ill. Reg. 19132, effective October 28, 1986; emergency amendment at 10 Ill. Reg. 21097, effective December 9, 1986; amended at 11 Ill.

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF ADOPTED AMENDMENTS

Reg. 649, effective December 22, 1986; emergency amendment at 11 Ill. Reg. 3363, effective February 3, 1987; emergency amendment at 11 Ill. Reg. 4388, effective February 27, 1987; emergency amendment at 11 Ill. Reg. 6291, effective March 23, 1987; amended at 11 Ill. Reg. 5901, effective March 24, 1987; emergency amendment at 11 Ill. Reg. 8787, effective April 15, 1987, for a maximum of 150 days; emergency amendment at 11 Ill. Reg. 11030, effective July 1, 1987, for a maximum of 150 days; emergency amendment at 11 Ill. Reg. 13675, effective July 27, 1987; amended at 11 Ill. Reg. 14984, effective August 27, 1987; emergency amendment at 11 Ill. Reg. 15273, effective October 19, 1987; emergency amendment at 11 Ill. Reg. 15739, effective November 19, 1987; emergency amendment at 11 Ill. Reg. 20664, effective December 4, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 20778, effective December 11, 1987; emergency amendment at 11 Ill. Reg. 3811, effective January 27, 1988; emergency amendment at 12 Ill. Reg. 5459, effective March 3, 1988; amended at 12 Ill. Reg. 6073, effective March 21, 1988; emergency amendment at 12 Ill. Reg. 7783, effective April 14, 1988; emergency amendment at 12 Ill. Reg. 7734, effective April 15, 1988, for a maximum of 150 days; emergency amendment at 12 Ill. Reg. 8135, effective April 22, 1988; emergency amendment at 12 Ill. Reg. 11778, effective May 23, 1988; emergency amendment at 12 Ill. Reg. 11778, effective July 1, 1988, for a maximum of 150 days; emergency amendment at 12 Ill. Reg. 12895, effective July 18, 1988, for a maximum of 150 days; emergency amendment at 12 Ill. Reg. 13359, effective July 27, 1988; corrected at 12 Ill. Reg. 13359; amended at 12 Ill. Reg. 13306, effective September 6, 1988; amended at 12 Ill. Reg. 20449, effective November 28, 1988; emergency amendment at 12 Ill. Reg. 20584, effective November 28, 1988; emergency amendment at 13 Ill. Reg. 8080, effective May 10, 1989; amended at 13 Ill. Reg. 8970, effective May 26, 1989; emergency amendment at 13 Ill. Reg. 10367, effective June 20, 1989, for a maximum of 150 days; emergency amendment expired on November 17, 1989; amended at 13 Ill. Reg. 11451, effective June 28, 1989; emergency amendment at 13 Ill. Reg. 11854, effective July 1, 1989, for a maximum of 150 days; corrected at 13 Ill. Reg. 12647; emergency amendment at 13 Ill. Reg. 12887, effective July 24, 1989; amended at 13 Ill. Reg. 16950, effective October 20, 1989; amended at 13 Ill. Reg. 19221, effective December 12, 1989; amended at 14 Ill. Reg. 615, effective January 2, 1990; emergency amendment at 14 Ill. Reg. 1627, effective January 11, 1990; amended at 14 Ill. Reg. 4455, effective March 12, 1990; emergency amendment at 14 Ill. Reg. 7652, effective May 7, 1990; amended at 14 Ill. Reg. 10002, effective June 11, 1990; emergency amendment at 14 Ill. Reg. 11330, effective June 29, 1990, for a maximum of 150 days; emergency amendment at 14 Ill. Reg. 14361, effective August 24, 1990; emergency amendment at 14 Ill. Reg. 15570, effective September 11, 1990, for a maximum of 150 days; emergency amendment expired on February 8, 1991; corrected at 14 Ill. Reg. 16092; emergency amendment at 14 Ill. Reg. 17098, effective September 26, 1990; amended at 14 Ill. Reg. 17189, effective October 2, 1990; amended at 14 Ill. Reg. 17189, effective October 19, 1990; amended at 14 Ill. Reg. 18719, effective November 13, 1990; emergency amendment at 14 Ill. Reg. 18854, effective November 13, 1990; emergency amendment at 15 Ill. Reg. 663,



## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF ADOPTED AMENDMENTS

effective January 7, 1991; amended at 15 Ill. Reg. 3296, effective February 14, 1991; amended at 15 Ill. Reg. 4401, effective March 11, 1991; peremptory amendment at 15 Ill. Reg. 5100, effective March 20, 1991; peremptory amendment at 15 Ill. Reg. 5465, effective April 2, 1991; emergency amendment at 15 Ill. Reg. 10485, effective July 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 11080, effective July 19, 1991; amended at 15 Ill. Reg. 13080, effective August 21, 1991; amended at 15 Ill. Reg. 14210, effective September 23, 1991; emergency amendment at 16 Ill. Reg. 711, effective December 26, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 3450, effective February 20, 1992; peremptory amendment at 16 Ill. Reg. 5068, effective March 11, 1992; peremptory amendment at 16 Ill. Reg. 7056, effective April 20, 1992; emergency amendment at 16 Ill. Reg. 8239, effective May 19, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 8382, effective May 26, 1992; emergency amendment at 16 Ill. Reg. 13950, effective August 19, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 14452, effective September 4, 1992, for a maximum of 150 days; amended at 17 Ill. Reg. 238, effective December 23, 1992; peremptory amendment at 17 Ill. Reg. 498, effective December 18, 1992; amended at 17 Ill. Reg. 590, effective January 4, 1993; amended at 17 Ill. Reg. 1819, effective February 2, 1993; amended at 17 Ill. Reg. 6441, effective April 8, 1993; emergency amendment at 17 Ill. Reg. 12900, effective July 22, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 13409, effective July 29, 1993; emergency amendment at 17 Ill. Reg. 13789, effective August 9, 1993, for a maximum of 150 days; emergency amendment at 17 Ill. Reg. 14666, effective August 26, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 21858, effective October 25, 1993; emergency amendment at 17 Ill. Reg. 21858, effective December 1, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 22514, effective December 15, 1993; amended at 18 Ill. Reg. 227, effective December 17, 1993; amended at 18 Ill. Reg. 1107, effective January 18, 1994; amended at 18 Ill. Reg. 5146, effective March 21, 1994; peremptory amendment at 18 Ill. Reg. 9562, effective June 13, 1994; emergency amendment at 18 Ill. Reg. 11299, effective July 1, 1994, for a maximum of 150 days; peremptory amendment at 18 Ill. Reg. 13476, effective August 17, 1994; emergency amendment at 18 Ill. Reg. 14417, effective September 9, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 16545, effective October 31, 1994; peremptory amendment at 18 Ill. Reg. 16708, effective October 28, 1994; amended at 18 Ill. Reg. 17191, effective November 21, 1994; amended at 19 Ill. Reg. 1024, effective January 24, 1995; peremptory amendment at 19 Ill. Reg. 2481, effective February 17, 1995; peremptory amendment at 19 Ill. Reg. 3073, effective February 17, 1995; amended at 19 Ill. Reg. 3456, effective March 7, 1995; peremptory amendment at 19 Ill. Reg. 5145, effective March 14, 1995; amended at 19 Ill. Reg. 6688, Reg. 6452, effective May 2, 1995; peremptory amendment at 19 Ill. Reg. 6895, effective May 1, 1995; amended at 19 Ill. Reg. 7841, effective June 1, 1995; amended at 19 Ill. Reg. 8156, effective June 12, 1995; amended at 19 Ill. Reg. 9096, effective June 27, 1995; emergency amendment at 19 Ill. Reg. 11954, effective August 1, 1995, for a maximum of 150 days; peremptory amendment at 19 Ill. Reg. 13979, effective September 19, 1995; peremptory amendment at 19 Ill. Reg. 15103, effective October 12, 1995; amended at 19 Ill. Reg. 16160, effective November 28, 1995; amended at 20 Ill. Reg. 308, effective December

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF ADOPTED AMENDMENTS

22, 1995; emergency amendment at 20 Ill. Reg. 4060, effective February 27, 1996, for a maximum of 150 days; peremptory amendment at 20 Ill. Reg. 6334, effective April 22, 1996; peremptory amendment at 20 Ill. Reg. 7434, effective May 14, 1996; amended at 20 Ill. Reg. 8301, effective June 11, 1996; amended at 20 Ill. Reg. 8657, effective June 20, 1996; amended at 20 Ill. Reg. 9006, effective June 26, 1996; amended at 20 Ill. Reg. 9925, effective July 10, 1996; emergency amendment at 20 Ill. Reg. 10213, effective July 15, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 10213, effective July 15, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 13408, effective August 5, 1996; peremptory amendment at 20 Ill. Reg. 15018, effective November 7, 1996; peremptory amendment at 20 Ill. Reg. 15092, effective November 7, 1996; peremptory amendment at 20 Ill. Reg. 1629, effective January 6, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 1629, effective January 22, 1997; amended at 21 Ill. Reg. 5144, effective April 15, 1997; amended at 21 Ill. Reg. 6444, effective May 15, 1997; amended at 21 Ill. Reg. 7116, effective June 3, 1997; emergency amendment at 21 Ill. Reg. 10061, effective July 21, 1997, for a maximum of 150 days; emergency amendment at 21 Ill. Reg. 12859, effective September 8, 1997, for a maximum of 150 days; peremptory amendment at 21 Ill. Reg. 14267, effective October 14, 1997; peremptory amendment at 21 Ill. Reg. 14589, effective October 15, 1997; peremptory amendment at 21 Ill. Reg. 15030, effective November 10, 1997; amended at 21 Ill. Reg. 16344, effective December 9, 1997; peremptory amendment at 21 Ill. Reg. 16465, effective December 4, 1997; peremptory amendment at 21 Ill. Reg. 17167, effective December 9, 1997; peremptory amendment at 21 Ill. Reg. 17167, effective December 22, 1997; amended at 22 Ill. Reg. 2580, effective January 14, 1998; peremptory amendment at 22 Ill. Reg. 4326, effective February 13, 1998; peremptory amendment at 22 Ill. Reg. 5108, effective February 26, 1998; peremptory amendment at 22 Ill. Reg. 5749, effective February 26, 1998; amended at 22 Ill. Reg. 6204, effective March 12, 1998; peremptory amendment at 22 Ill. Reg. 7053, effective April 1, 1998; peremptory amendment at 22 Ill. Reg. 7320, effective April 10, 1998; peremptory amendment at 22 Ill. Reg. 7692, effective April 20, 1998; emergency amendment at 22 Ill. Reg. 12607, effective July 2, 1998, for a maximum of 150 days; peremptory amendment at 22 Ill. Reg. 15489, effective August 7, 1998; amended at 22 Ill. Reg. 16158, effective September 30, 1998; peremptory amendment at 22 Ill. Reg. 19105, effective September 30, 1998; peremptory amendment at 22 Ill. Reg. 19943, effective October 27, 1998; peremptory amendment at 22 Ill. Reg. 24006, effective November 5, 1998; amended at 22 Ill. Reg. 25081, effective November 16, 1998; amended at 23 Ill. Reg. 664, effective January 1, 1999; peremptory amendment at 23 Ill. Reg. 7310, effective December 29, 1998; emergency amendment at 23 Ill. Reg. 6533, effective May 10, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 7065, effective June 3, 1999; emergency amendment at 23 Ill. Reg. 8169, effective July 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 11020, effective August 26, 1999.



## DEPARTMENT OF CENTAL MANAGEMENT SERVICES

## NOTICE OF ADOPTED AMENDMENTS

Section 310. APPENDIX A Negotiated Rates of Pay  
Section 310. TABLE AA NR-516 (Department of Natural Resources, Teamsters)

Effective: July 16, 1999

	Minimum Salary	Maximum Salary
Cartographer III	2705	4860
Civil Engineer I	2635	4100
Civil Engineer II	2810	4705
Civil Engineer III	3095	5270
Civil Engineer Trainee	2475	3485
Engineering Technician I	1485	2770
Engineering Technician II	1810	3320
Engineering Technician III	2220	3960
Engineering Technician IV	2725	5140
Technical Manager I	2085	3735

Effective:--July 17--1997

	Minimum Salary	Maximum Salary
Cartographer-III	2585	4535
Civil-Engineer-I	2520	3670
Civil-Engineer-II	2695	4390
Civil-Engineer-III	2960	4915
Civil-Engineer-Trainee	2365	3250
Engineering-Technician-I	1420	2585
Engineering-Technician-II	1730	3100
Engineering-Technician-III	2120	3695
Engineering-Technician-IV	2605	4795
Technical-Manager-I	1995	3495

NREBA--Employees-shall-receive-a-one-time-\$665-lump-sum-payment-effective-July 17-1997.

(Source: Amended at 23 Ill. Reg. 11 02 0 effective AUG 20 1999)

## DEPARTMENT OF CENTAL MANAGEMENT SERVICES

## NOTICE OF ADOPTED AMENDMENTS

## Section 310. TABLE H RC-006 (Corrections Employees, AFSCME)

Effective: July 1, 1997

	lc	lb	la	S T E P S
Canine Specialist	2444	2517	2593	2671
Commissary Clerk	1487	1532	1578	1625
Commissary Manager I	1535	1581	1628	1677
Correctional Officer	2001	2061	2123	2187
Correctional Officer Trainee	1710	1761	1814	1868
Correctional Sergeant	2196	2262	2330	2400
Corrections Agricultural	2293	2362	2433	2506
Lead Worker				
Corrections Agricultural Supervisor	2527	2603	2681	2761
Corrections Clerk I	2001	2061	2123	2187
Corrections Clerk II	2196	2262	2330	2400
Corrections Cook I	1700	1751	1804	1858
Corrections Cook II	1828	1883	1939	1997
Corrections Food Service Supervisor I	2196	2262	2330	2400
Corrections Food Service Supervisor II	2406	2478	2552	2629
Corrections Grounds Supervisor	2293	2362	2433	2506
Corrections Identification Technician	2091	2154	2219	2286
Corrections Industry Lead Worker	2293	2362	2433	2506
Corrections Laundry Manager I	2293	2362	2433	2506
Corrections Locksmith	2293	2362	2433	2506
Corrections Maintenance Craftsman	2293	2362	2433	2506
Corrections Maintenance Worker	2091	2154	2219	2286
Corrections Medical Technician	2091	2154	2219	2286
Corrections Printer	2196	2262	2330	2400
Corrections Resident Counselor I	2091	2154	2219	2286
Corrections Supply Supervisor I	2196	2262	2330	2400
Corrections Supply Supervisor II	2406	2478	2552	2629
Corrections Transportation Officer I	2196	2262	2330	2400
Corrections Transportation Officer II				
Corrections Transportation Officer III	2444	2517	2593	2671
Corrections Utilities Operator	2293	2362	2433	2506
Corrections Vocational Instructor	2293	2362	2433	2506
Educator Aide	1828	1883	1939	1997
Housekeeper II	1487	1532	1578	1625

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF ADOPTED AMENDMENTS

	1828	1883	1939	1997	2086	2165	
Pest Control Operator	1582	1629	1678	1728	1794	1849	2143
Property & Supply Clerk II	1441	1484	1529	1575	1628	1681	1728
Social Service Aide Trainee	1840	1895	1952	2011	2056	2170	2246
Storekeeper I	1996	2056	2118	2182	2273	2363	2450
Storekeeper II	1335	1381	1428	1477	1528	1582	1636
Stores Clerk	1828	1883	1939	1997	2086	2165	2247
Youth Supervisor I	2001	2061	2123	2187	2278	2371	2469
Youth Supervisor II	2293	2362	2433	2506	2619	2734	2850
Youth Supervisor III	1710	1761	1814	1868	1938	2014	2086
Youth Supervisor Trainee							

## S T E P S (cont.)

	4	5	6	7
Canine Specialist	3051	3175	3304	3501
Commissary Clerk	1783	1839	1891	1987
Commissary Manager I	1846	1901	1961	2056
Correctional Officer	2469	2561	2659	2806
Correctional Officer Trainee	2086	2164	2238	2356
Correctional Sergeant	2722	2827	2938	3109
Corrections Agricultural Lead Worker	2850	2964	3076	3256
Corrections Agriculture Supervisor	3152	3289	3421	3621
Corrections Clerk I	2469	2561	2659	2806
Corrections Clerk II	2722	2827	2938	3109
Corrections Cook I	2069	2141	2213	2332
Corrections Cook II	2247	2329	2410	2546
Corrections Food Service Supervisor I	2722	2827	2938	3109
Corrections Food Service Supervisor II	3001	3126	3254	3444
Corrections Grounds Supervisor	2850	2964	3076	3256
Corrections Identification Technician	2584	2685	2787	2947
Corrections Industry Lead Worker	2850	2964	3076	3256
Corrections Laundry Manager I	2850	2964	3076	3256
Corrections Locksmith	2850	2964	3076	3256
Corrections Maintenance Craftsman	2850	2964	3076	3256
Corrections Maintenance Worker	2584	2685	2787	2947
Corrections Medical Technician	2584	2685	2787	2947
Corrections Printer	2722	2827	2938	3109
Corrections Residence Counselor I	2584	2685	2787	2947
Corrections Supply Supervisor I	2722	2827	2938	3109
Corrections Supply Supervisor II	3001	3126	3254	3444
Corrections Transportation Officer I	2722	2827	2938	3109
Corrections Transportation Officer II	3051	3175	3304	3501
Corrections Utilities Operator	2850	2964	3076	3256
Corrections Vocational Instructor	2850	2964	3076	3256
Educator Aide	2247	2329	2410	2546
Housekeeper II	1783	1839	1891	1987

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF ADOPTED AMENDMENTS

	2247	2329	2410	2546
Pest Control Operator	1915	1976	2038	2143
Property & Supply Clerk II	1728	1787	1835	1930
Social Service Aide Trainee	2246	2335	2410	2540
Storekeeper I	2460	2550	2636	2785
Storekeeper II	1846	1901	1961	2056
Stores Clerk	2247	2329	2410	2548
Youth Supervisor I	2469	2561	2659	2806
Youth Supervisor II	2850	2964	3076	3256
Youth Supervisor III	2086	2164	2238	2356
Youth Supervisor Trainee				

## Effective: July 1, 1998

	1c	1b	1a	S T E P S
Canine Specialist	2569	2644	2722	2803
Commissary Clerk	1583	1629	1677	1725
Commissary Manager I	1633	1680	1728	1779
Correctional Officer	2113	2174	2238	2304
Correctional Officer Trainee	1813	1865	1920	1976
Corrections Agricultural Lead Worker	2313	2381	2451	2524
Corrections Agriculture Supervisor	2413	2484	2557	2633
Corrections Clerk I	2654	2733	2813	2895
Corrections Clerk II	2113	2174	2238	2304
Corrections Cook I	2313	2381	2451	2524
Corrections Cook II	1803	1855	1910	1965
Corrections Food Service Supervisor I	1934	1991	2049	2108
Corrections Food Service Supervisor II	2313	2381	2451	2524
Corrections Grounds Supervisor	2530	2604	2680	2759
Corrections Identification Technician	2413	2484	2557	2633
Corrections Industry Lead Worker	2413	2484	2557	2633
Corrections Laundry Manager I	2413	2484	2557	2633
Corrections Locksmith	2413	2484	2557	2633
Corrections Maintenance Craftsman	2413	2484	2557	2633
Corrections Maintenance Worker	2205	2270	2337	2406
Corrections Medical Technician	2205	2270	2337	2406
Corrections Residence Counselor I	2205	2270	2337	2406
Corrections Supply Supervisor I	2313	2381	2451	2524
Corrections Supply Supervisor II	2530	2604	2680	2759
Corrections Transportation Officer I	2313	2381	2451	2524
Corrections Transportation Officer II	2569	2644	2722	2803

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF ADOPTED AMENDMENTS

	2413	2484	2557	2633	2749	2868
Corrections Utilities Operator	2413	2484	2557	2633	2749	2868
Corrections Vocational Instructor	1934	1991	2049	2108	2200	2281
Educator Aide	1593	1629	1677	1725	1779	1830
Housekeeper II	1934	1991	2049	2108	2200	2281
Pest Control Operator	1681	1729	1780	1831	1899	1956
Property & Supply Clerk II	1536	1580	1626	1674	1728	1783
Social Service Aide Trainee	1947	2003	2062	2123	2200	2287
Storekeeper I	2107	2169	2233	2299	2393	2485
Storekeeper II	1633	1680	1728	1779	1831	1897
Stores Clerk	1934	1991	2049	2108	2200	2281
Youth Supervisor I	2113	2174	2238	2304	2398	2494
Youth Supervisor II	2413	2484	2557	2633	2749	2868
Youth Supervisor III	1813	1865	1920	1976	2048	2126
Youth Supervisor Trainee						
S T E P S (cont.)						
	4	5	6	7		
Canine Specialist	3194	3322	3455	3658		
Commissary Clerk	1888	1946	1999	2098		
Commissary Manager I	1953	2010	2071	2169		
Correctional Officer	2595	2689	2790	2942		
Correctional Officer Trainee	2200	2280	2357	2478		
Corrections Sergeant	2855	2963	3078	3254		
Corrections Agricultural Lead Worker	2987	3104	3220	3405		
Corrections Agriculture Supervisor	3298	3439	3575	3781		
Corrections Clerk I	2595	2689	2790	2942		
Corrections Clerk II	2855	2963	3078	3254		
Corrections Cook I	2183	2257	2331	2453		
Corrections Cook II	2366	2450	2534	2674		
Corrections Food Service Supervisor I	2855	2963	3078	3254		
Corrections Food Service Supervisor II	3143	3271	3403	3599		
Corrections Grounds Supervisor	2987	3104	3220	3405		
Corrections Identification Technician	2713	2817	2922	3087		
Corrections Industry Lead Worker	2987	3104	3220	3405		
Corrections Laundry Manager I	2987	3104	3220	3405		
Corrections Locksmith	2987	3104	3220	3405		
Corrections Maintenance Craftsman	2987	3104	3220	3405		
Corrections Maintenance Worker	2713	2817	2922	3087		
Corrections Medical Technician	2713	2817	2922	3087		
Corrections Residence	2713	2817	2922	3087		
Counselor I						
Corrections Supply Supervisor I	2855	2963	3078	3254		
Corrections Supply Supervisor II	3143	3271	3403	3599		
Corrections Transportation Officer I	2855	2963	3078	3254		
Corrections Transportation	3194	3322	3455	3658		

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF ADOPTED AMENDMENTS

	2413	2484	2557	2633	2749	2868
Officer II	2413	2484	2557	2633	2749	2868
Corrections Utilities Operator	2413	2484	2557	2633	2749	2868
Corrections Vocational Instructor	1934	1991	2049	2108	2200	2281
Educator Aide	1593	1629	1677	1725	1779	1830
Housekeeper II	1934	1991	2049	2108	2200	2281
Pest Control Operator	1681	1729	1780	1831	1899	1956
Property & Supply Clerk II	1536	1580	1626	1674	1728	1783
Social Service Aide Trainee	1947	2003	2062	2123	2200	2287
Storekeeper I	2107	2169	2233	2299	2393	2485
Storekeeper II	1633	1680	1728	1779	1831	1897
Stores Clerk	1934	1991	2049	2108	2200	2281
Youth Supervisor I	2113	2174	2238	2304	2398	2494
Youth Supervisor II	2413	2484	2557	2633	2749	2868
Youth Supervisor III	1813	1865	1920	1976	2048	2126
Youth Supervisor Trainee						
S T E P S (cont.)						
	4	5	6	7		
Canine Specialist	3194	3322	3455	3658		
Commissary Clerk	1888	1946	1999	2098		
Commissary Manager I	1953	2010	2071	2169		
Correctional Officer	2595	2689	2790	2942		
Correctional Officer Trainee	2200	2280	2357	2478		
Corrections Sergeant	2855	2963	3078	3254		
Corrections Agricultural Lead Worker	2987	3104	3220	3405		
Corrections Agriculture Supervisor	3298	3439	3575	3781		
Corrections Clerk I	2595	2689	2790	2942		
Corrections Clerk II	2855	2963	3078	3254		
Corrections Cook I	2183	2257	2331	2453		
Corrections Cook II	2366	2450	2534	2674		
Corrections Food Service Supervisor I	2855	2963	3078	3254		
Corrections Food Service Supervisor II	3143	3271	3403	3599		
Corrections Grounds Supervisor	2987	3104	3220	3405		
Corrections Identification Technician	2713	2817	2922	3087		
Corrections Industry Lead Worker	2987	3104	3220	3405		
Corrections Laundry Manager I	2987	3104	3220	3405		
Corrections Locksmith	2987	3104	3220	3405		
Corrections Maintenance Craftsman	2987	3104	3220	3405		
Corrections Maintenance Worker	2713	2817	2922	3087		
Corrections Medical Technician	2713	2817	2922	3087		
Corrections Residence	2713	2817	2922	3087		
Counselor I						
Corrections Supply Supervisor I	2855	2963	3078	3254		
Corrections Supply Supervisor II	3143	3271	3403	3599		
Corrections Transportation Officer I	2855	2963	3078	3254		
Corrections Transportation	3194	3322	3455	3658		

Effective: July 1, 1999

	2413	2484	2557	2633	2749	2868
Officer II	2413	2484	2557	2633	2749	2868
Corrections Utilities Operator	2413	2484	2557	2633	2749	2868
Corrections Vocational Instructor	1934	1991	2049	2108	2200	2281
Educator Aide	1593	1629	1677	1725	1779	1830
Housekeeper II	1934	1991	2049	2108	2200	2281
Pest Control Operator	1681	1729	1780	1831	1899	1956
Property & Supply Clerk II	1536	1580	1626	1674	1728	1783
Social Service Aide Trainee	1947	2003	2062	2123	2200	2287
Storekeeper I	2107	2169	2233	2299	2393	2485
Storekeeper II	1633	1680	1728	1779	1831	1897
Stores Clerk	1934	1991	2049	2108	2200	2281
Youth Supervisor I	2113	2174	2238	2304	2398	2494
Youth Supervisor II	2413	2484	2557	2633	2749	2868
Youth Supervisor III	1813	1865	1920	1976	2048	2126
Youth Supervisor Trainee						
S T E P S (cont.)						
	4	5	6	7		
Canine Specialist	3194	3322	3455	3658		
Commissary Clerk	1888	1946	1999	2098		
Commissary Manager I	1953	2010	2071	2169		
Correctional Officer	2595	2689	2790	2942		
Correctional Officer Trainee	2200	2280	2357	2478		
Corrections Sergeant	2855	2963	3078	3254		
Corrections Agricultural Lead Worker	2987	3104	3220	3405		
Corrections Agriculture Supervisor	3298	3439	3575	3781		
Corrections Clerk I	2595	2689	2790	2942		
Corrections Clerk II	2855	2963	3078	3254		
Corrections Cook I	2183	2257	2331	2453		
Corrections Cook II	2366	2450	2534	2674		
Corrections Food Service Supervisor I	2855	2963	3078	3254		
Corrections Food Service Supervisor II	3143	3271	3403	3599		
Corrections Grounds Supervisor	2987	3104	3220	3405		
Corrections Identification Technician	2713	2817	2922	3087		
Corrections Industry Lead Worker	2987	3104	3220	3405		
Corrections Laundry Manager I	2987	3104	3220	3405		
Corrections Locksmith	2987	3104	3220	3405		
Corrections Maintenance Craftsman	2987	3104	3220	3405		
Corrections Maintenance Worker	2713	2817	2922	3087		
Corrections Medical Technician	2713	2817	2922	3087		
Corrections Residence	2713	2817	2922	3087		
Counselor I						
Corrections Supply Supervisor I	2855	2963	3078	3254		
Corrections Supply Supervisor II	3143	3271	3403	3599		
Corrections Transportation Officer I	2855	2963	3078	3254		
Corrections Transportation	3194	3322	3455	3658		

Effective: July 1, 1999

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF ADOPTED AMENDMENTS

Corrections Residence Counselor I	2271	2338	2407	2478	2576	2688
Corrections Supply Supervisor I	2382	2452	2525	2600	2711	2819
Corrections Supply Supervisor II	2606	2682	2760	2842	2972	3105
Corrections Transportation	2382	2452	2525	2600	2711	2819
Officer I						
Corrections Transportation	2646	2723	2804	2887	3022	3159
Officer II						
Corrections Utilities Operator	2485	2559	2634	2712	2831	2954
Corrections Vocational Instructor	1982	2051	2110	2171	2266	2349
Educator Aide	1630	1678	1727	1777	1832	1885
Housekeeper II	1992	2051	2110	2171	2266	2349
Pest Control Operator	1731	1781	1833	1886	1956	2015
Property & Supply Clerk II	2005	2067	2124	2187	2266	2356
Social Service Aide Trainee	1582	1627	1675	1724	1780	1836
Storekeeper I	2052	2124	2187	2266	2356	2448
Storekeeper II	2170	2234	2300	2368	2465	2560
Stores Clerk	1682	1730	1780	1832	1886	1954
Youth Supervisor I	1992	2051	2110	2171	2266	2349
Youth Supervisor II	2176	2239	2305	2373	2470	2569
Youth Supervisor III	2485	2559	2634	2712	2831	2954
Youth Supervisor Trainee	1867	1921	1978	2035	2109	2190

## S T E P S (cont.)

	4	5	6	7
Canine Specialist	3290	3422	3559	3768
Commissary Clerk	1945	2004	2059	2161
Commissary Manager I	2012	2070	2133	2234
Correctional Officer	2673	2770	2874	3030
Correctional Officer Trainee	2266	2348	2428	2552
Correctional Sergeant	2941	3052	3170	3352
Corrections Agricultural Lead	3077	3197	3317	3507
Worker				
Corrections Agriculture	3397	3542	3682	3894
Supervisor				
Corrections Clerk I	2673	2770	2874	3030
Corrections Clerk II	2941	3052	3170	3352
Corrections Cook I	2248	2325	2401	2527
Corrections Cook II	2437	2524	2610	2754
Corrections Food Service	2941	3052	3170	3352
Supervisor I				
Corrections Food Service	3237	3369	3505	3707
Supervisor II				
Corrections Grounds	3077	3197	3317	3507
Supervisor				
Corrections Identification	2794	2902	3010	3180
Technician				
Corrections Industry Lead	3077	3197	3317	3507
Worker				

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF ADOPTED AMENDMENTS

Corrections Laundry Manager I	3077	3197	3317	3507
Corrections Locksmith	3077	3197	3317	3507
Corrections Maintenance	3077	3197	3317	3507
Craftsman				
Corrections Maintenance	2794	2902	3010	3180
Worker				
Corrections Medical	2794	2902	3010	3180
Technician				
Corrections Residence	2794	2902	3010	3180
Counselor I				
Corrections Supply	2941	3052	3170	3352
Supervisor I				
Corrections Supply	3237	3369	3505	3707
Supervisor II				
Corrections Transportation	2941	3052	3170	3352
Officer I				
Corrections Transportation	3290	3422	3559	3768
Officer II				
Corrections Utilities Operator	3077	3197	3317	3507
Corrections Vocational	3077	3197	3317	3507
Instructor				
Educator Aide	2437	2524	2610	2754
Housekeeper II	1945	2004	2059	2161
Pest Control Operator	2437	2524	2610	2754
Property & Supply Clerk II	2085	2150	2216	2327
Social Service Aide Trainee	1886	1949	2000	2100
Storekeeper I	2436	2531	2610	2748
Storekeeper II	2663	2758	2850	3008
Stores Clerk	2012	2070	2133	2234
Youth Supervisor I	2437	2524	2610	2754
Youth Supervisor II	2673	2770	2874	3030
Youth Supervisor III	3077	3197	3317	3507
Youth Supervisor Trainee	2266	2348	2428	2552

Maximum Security Institution Schedule  
Effective: July 1, 1999

	1c	1b	1a	1	2	3
Canine Specialist	2698	2775	2855	2939	3074	3211
Correctional Officer	2228	2291	2357	2425	2521	2620
Correctional Officer Trainee	1919	1972	2029	2087	2161	2241
Correctional Sergeant	2434	2504	2576	2651	2762	2871
Corrections Agricultural Lead	2537	2610	2685	2763	2883	3006
Worker						
Corrections Agricultural	2785	2866	2949	3033	3173	3315
Supervisor						
Corrections Clerk I	2228	2291	2357	2425	2521	2620





## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF ADOPTED AMENDMENTS

Correctional-Officer-Trainee	1975	2030	2089	2148	2244	2302
Correctional-Officer-Trainee	2005	2077	2052	2730	2044	2305
Correctional-Sergeant	2631	2687	2765	2845	2567	3094
Worker						
Corrections-Agricultural-Lead	2080	2951	3035	3123	3567	3432
Supervisor						
Corrections-Clerk-I	2293	2358	2426	2496	2596	2698
Corrections-Clerk-II	2505	2577	2652	2730	2844	2955
Corrections-Clerk-III	1964	2020	2078	2136	2207	2282
Corrections-Cook-I	2103	2164	2225	2288	2350	2421
Corrections-Cook-II	2305	2367	2428	2494	2565	2636
Supervisor-I						
Corrections-Food-Service	2736	2814	2894	2979	3113	3250
Supervisor-II						
Corrections-Food-Service	2631	2687	2765	2845	2967	3094
Supervisor-III	2391	2460	2531	2604	2705	2820
Corrections-Identification						
Technician						
Corrections-Industry-Lead-Worker	2611	2687	2765	2845	2967	3094
Corrections-Laundry-Manager-I	2611	2687	2765	2845	2967	3094
Corrections-Laundry-Manager-II	2611	2687	2765	2845	2967	3094
Corrections-Maintenance-Craftsman	2611	2687	2765	2845	2967	3094
Corrections-Maintenance-Worker	2391	2460	2531	2604	2705	2820
Corrections-Medical-Technician	2391	2460	2531	2604	2705	2820
Corrections-Residence-Counselor-I	2391	2460	2531	2604	2705	2820
Corrections-Supply-Supervisor-I	2505	2577	2652	2730	2844	2955
Corrections-Supply-Supervisor-II	2736	2814	2894	2979	3113	3250
Corrections-Transportation	2505	2577	2652	2730	2844	2955
Officer-I						
Corrections-Transportation	2777	2856	2940	3025	3164	3305
Officer-II						
Corrections-Utilities-Operator	2611	2687	2765	2845	2967	3094
Corrections-Vocational-Instructor	2611	2687	2765	2845	2967	3094
Educator-Aide	2103	2164	2225	2288	2350	2421
Housekeeper-I	1730	1780	1830	1882	1930	1993
Housekeeper-II	2305	2367	2428	2494	2565	2636
Housekeeper-III	2305	2367	2428	2494	2565	2636
Property-&Supply-Clerk-II	1834	1886	1939	1994	2066	2137
Social-Service-Aide-Trainee	1601	1627	1653	1679	1685	1693
Storekeeper-I	2117	2176	2239	2304	2385	2470
Storekeeper-II	2203	2263	2331	2391	2459	2528
Storekeeper-III	2203	2263	2331	2391	2459	2528
Storekeeper-IV	2203	2263	2331	2391	2459	2528
Storekeeper-V	2203	2263	2331	2391	2459	2528
Storekeeper-VI	2203	2263	2331	2391	2459	2528
Storekeeper-VII	2203	2263	2331	2391	2459	2528
Storekeeper-VIII	2203	2263	2331	2391	2459	2528
Storekeeper-IX	2203	2263	2331	2391	2459	2528
Storekeeper-X	2203	2263	2331	2391	2459	2528
Storekeeper-XI	2203	2263	2331	2391	2459	2528
Storekeeper-XII	2203	2263	2331	2391	2459	2528
Storekeeper-XIII	2203	2263	2331	2391	2459	2528
Storekeeper-XIV	2203	2263	2331	2391	2459	2528
Storekeeper-XV	2203	2263	2331	2391	2459	2528
Storekeeper-XVI	2203	2263	2331	2391	2459	2528
Storekeeper-XVII	2203	2263	2331	2391	2459	2528
Storekeeper-XVIII	2203	2263	2331	2391	2459	2528
Storekeeper-XIX	2203	2263	2331	2391	2459	2528
Storekeeper-XX	2203	2263	2331	2391	2459	2528
Storekeeper-XXI	2203	2263	2331	2391	2459	2528
Storekeeper-XXII	2203	2263	2331	2391	2459	2528
Storekeeper-XXIII	2203	2263	2331	2391	2459	2528
Storekeeper-XXIV	2203	2263	2331	2391	2459	2528
Storekeeper-XXV	2203	2263	2331	2391	2459	2528
Storekeeper-XXVI	2203	2263	2331	2391	2459	2528
Storekeeper-XXVII	2203	2263	2331	2391	2459	2528
Storekeeper-XXVIII	2203	2263	2331	2391	2459	2528
Storekeeper-XXIX	2203	2263	2331	2391	2459	2528
Storekeeper-XXX	2203	2263	2331	2391	2459	2528
Storekeeper-XXXI	2203	2263	2331	2391	2459	2528
Storekeeper-XXXII	2203	2263	2331	2391	2459	2528
Storekeeper-XXXIII	2203	2263	2331	2391	2459	2528
Storekeeper-XXXIV	2203	2263	2331	2391	2459	2528
Storekeeper-XXXV	2203	2263	2331	2391	2459	2528
Storekeeper-XXXVI	2203	2263	2331	2391	2459	2528
Storekeeper-XXXVII	2203	2263	2331	2391	2459	2528
Storekeeper-XXXVIII	2203	2263	2331	2391	2459	2528
Storekeeper-XXXIX	2203	2263	2331	2391	2459	2528
Storekeeper-XXXX	2203	2263	2331	2391	2459	2528
Storekeeper-XXXXI	2203	2263	2331	2391	2459	2528
Storekeeper-XXXXII	2203	2263	2331	2391	2459	2528
Storekeeper-XXXXIII	2203	2263	2331	2391	2459	2528
Storekeeper-XXXXIV	2203	2263	2331	2391	2459	2528
Storekeeper-XXXXV	2203	2263	2331	2391	2459	2528
Storekeeper-XXXXVI	2203	2263	2331	2391	2459	2528
Storekeeper-XXXXVII	2203	2263	2331	2391	2459	2528
Storekeeper-XXXXVIII	2203	2263	2331	2391	2459	2528
Storekeeper-XXXXIX	2203	2263	2331	2391	2459	2528
Storekeeper-XXXXX	2203	2263	2331	2391	2459	2528
Storekeeper-XXXXXI	2203	2263	2331	2391	2459	2528
Storekeeper-XXXXXII	2203	2263	2331	2391	2459	2528
Storekeeper-XXXXXIII	2203	2263	2331	2391	2459	2528
Storekeeper-XXXXXIV	2203	2263	2331	2391	2459	2528
Storekeeper-XXXXXV	2203	2263	2331	2391	2459	2528
Storekeeper-XXXXXVI	2203	2263	2331	2391	2459	2528
Storekeeper-XXXXXVII	2203	2263	2331	2391	2459	2528
Storekeeper-XXXXXVIII	2203	2263	2331	2391	2459	2528
Storekeeper-XXXXXIX	2203	2263	2331	2391	2459	2528
Storekeeper-XXXXXX	2203	2263	2331	2391	2459	2528
Storekeeper-XXXXXXI	2203	2263	2331	2391	2459	2528
Storekeeper-XXXXXXII	2203	2263	2331	2391	2459	2528
Storekeeper-XXXXXXIII	2203	2263	2331	2391	2459	2528
Storekeeper-XXXXXXIV	2203	2263	2331	2391	2459	2528
Storekeeper-XXXXXXV	2203	2263	2331	2391	2459	2528
Storekeeper-XXXXXXVI	2203	2263	2331	2391	2459	2528
Storekeeper-XXXXXXVII	2203	2263	2331	2391	2459	2528
Storekeeper-XXXXXXVIII	2203	2263	2331	2391	2459	2528
Storekeeper-XXXXXXIX	2203	2263	2331	2391	2459	2528
Storekeeper-XXXXXXX	2203	2263	2331	2391	2459	2528
Storekeeper-XXXXXXXI	2203	2263	2331	2391	2459	2528
Storekeeper-XXXXXXXII	2203	2263	2331	2391	2459	2528
Storekeeper-XXXXXXXIII	2203	2263	2331	2391	2459	2528
Storekeeper-XXXXXXXIV	2203	2263	2331	2391	2459	2528
Storekeeper-XXXXXXXV	2203	2263	2331	2391	2459	2528
Storekeeper-XXXXXXXVI	2203	2263	2331	2391	2459	2528
Storekeeper-XXXXXXXVII	2203	2263	2331	2391	2459	2528
Storekeeper-XXXXXXXVIII	2203	2263	2331	2391	2459	2528
Storekeeper-XXXXXXXIX	2203	2263	2331	2391	2459	2528
Storekeeper-XXXXXXXI	2203	2263	2331	2391	2459	2528
Storekeeper-XXXXXXXII	2203	2263	2331	2391	2459	2528
Storekeeper-XXXXXXXIII	2203	2263	2331	2391	2459	2528
Storekeeper-XXXXXXXIV	2203	2263	2331	2391	2459	2528
Storekeeper-XXXXXXXV	2203	2263	2331	2391	2459	2528
Storekeeper-XXXXXXXVI	2203	2263	2331	2391	2459	2528
Storekeeper-XXXXXXXVII	2203	2263	2331	2391	2459	2528
Storekeeper-XXXXXXXVIII	2203	2263	2331	2391	2459	2528
Storekeeper-XXXXXXXIX	2203	2263	2331	2391	2459	2528
Storekeeper-XXXXXXXI	2203	2263	2331	2391	2459	2528
Storekeeper-XXXXXXXII	2203	2263	2331	2391	2459	2528
Storekeeper-XXXXXXXIII	2203	2263	2331	2391	2459	2528
Storekeeper-XXXXXXXIV	2203	2263	2331	2391	2459	2528
Storekeeper-XXXXXXXV	2203	2263	2331	2391	2459	2528
Storekeeper-XXXXXXXVI	2203	2263	2331	2391	2459	2528
Storekeeper-XXXXXXXVII	2203	2263	2331	2391	2459	2528
Storekeeper-XXXXXXXVIII	2203	2263	2331	2391	2459	2528
Storekeeper-XXXXXXXIX	2203	2263	2331	2391	2459	2528
Storekeeper-XXXXXXXI	2203	2263	2331	2391	2459	2528
Storekeeper-XXXXXXXII	2203	2263	2331	2391	2459	2528
Storekeeper-XXXXXXXIII	2203	2263	2331	2391	2459	2528
Storekeeper-XXXXXXXIV	2203	2263	2331	2391	2459	2528
Storekeeper-XXXXXXXV	2203	2263	2331	2391	2459	2528
Storekeeper-XXXXXXXVI	2203	2263	2331	2391	2459	2528
Storekeeper-XXXXXXXVII	2203	2263	2331	2391	2459	2528
Storekeeper-XXXXXXXVIII	2203	2263	2331	2391	2459	2528
Storekeeper-XXXXXXXIX	2203	2263	2331	2391	2459	2528
Storekeeper-XXXXXXXI	2203	2263	2331	2391	2459	2528
Storekeeper-XXXXXXXII	2203	2263	2331	2391	2459	2528
Storekeeper-XXXXXXXIII	2203	2263	2331	2391	2459	2528
Storekeeper-XXXXXXXIV	2203	2263	2331	2391	2459	2528
Storekeeper-XXXXXXXV	2203	2263	2331	2391	2459	2528
Storekeeper-XXXXXXXVI	2203	2263	2331	2391	2459	2528
Storekeeper-XXXXXXXVII	2203	2263	2331	2391	2459	2528
Storekeeper-XXXXXXXVIII	2203	2263	2331	2391	2459	2528
Storekeeper-XXXXXXXIX	2203	2263	2331	2391	2459	2528
Storekeeper-XXXXXXXI	2203	2263	2331	2391	2459	2528
Storekeeper-XXXXXXXII	2203	2263	2331	2391	2459	2528
Storekeeper-XXXXXXXIII	2203	2263	2331	2391	2459	2528
Storekeeper-XXXXXXXIV	2203	2263	2331	2391	2459	2528
Storekeeper-XXXXXXXV	2203	2263	2331	2391	2459	2528
Storekeeper-XXXXXXXVI	2203	2263	2331	2391	2459	2528
Storekeeper-XXXXXXXVII	2203	2263	2331	2391	2459	2528
Storekeeper-XXXXXXXVIII	2203	2263	2331	2391	2459	2528
Storekeeper-XXXXXXXIX	2203	2263	2331	2391	2459	2528
Storekeeper-XXXXXXXI	2203	2263	2331	2391	2459	2528
Storekeeper-XXXXXXXII	2203	2263	2331	2391	2459	2528
Storekeeper-XXXXXXXIII	2203	2263	2331	2391	2459	2528
Storekeeper-XXXXXXXIV	2203	2263	2331	2391	2459	2528
Storekeeper-XXXXXXXV	2203	2263	2331	2391	2459	2528
Storekeeper-XXXXXXXVI	2203	2263	2331	2391	2459	2528
Storekeeper-XXXXXXXVII	2203	2263	2331	2391	2459	2528
Storekeeper-XXXXXXXVIII	2203	2263	2331	2391	2459	2528
Storekeeper-XXXXXXXIX	2203	2263	2331	2391	2459	2528
Storekeeper-XXXXXXXI	2203	2263	2331	2391	2459	2528
Storekeeper-XXXXXXXII	2203	2263	2331	2391	2459	2528
Storekeeper-XXXXXXXIII	2203	2263	2331	2391	2459	2528
Storekeeper-XXXXXXXIV	2203	2263	2331	2391	2459	2528
Storekeeper-XXXXXXXV	2203	2263	233			

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF ADOPTED AMENDMENTS

Storekeeper-II	2754	2892	2987	3150
Stores-Clerk	2154	2184	2248	2353
Youth-Supervisor-I	2562	2651	2740	2888
Youth-Supervisor-III	2885	2985	3012	3172
Youth-Supervisor-III	3221	3344	3468	3664
Youth-Supervisor-Trainee	2385	2470	2552	2680

(Source: Amended at 23 Ill. Reg. 11020 effective

August 6, 1989)

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF ADOPTED AMENDMENTS

## Section 310.TABLE J RC-014 (Clerical Employees, AFSCME)

Effective: July 1, 1997

	lc 3/	lb	la	S T E P S			
	1447	1490	1535	1591	1634	1688	1744
Account Clerk I	1546	1592	1640	1689	1747	1809	1871
Account Clerk II	1724	1776	1829	1884	1946	2007	2069
Account Technician I	1885	1942	2000	2060	2148	2228	2316
Account Technician II	1324	1364	1405	1447	1486	1529	1571
Administrative Services Worker							
Trainee	1885	1942	2000	2060	2148	2228	2316
Aircraft Dispatcher	2062	2124	2188	2254	2350	2449	2548
Aircraft Lead Dispatcher	1495	1540	1586	1634	1689	1744	1800
Audio Visual Technician I	1660	1710	1761	1814	1882	1955	2027
Audio Visual Technician II	1724	1776	1829	1884	1946	2007	2069
Buyer Assistant	1660	1710	1761	1814	1882	1955	2027
Check Issuance Machine Operator	TR						
Clerical Trainee	1660	1710	1761	1814	1882	1955	2027
Communication Dispatcher	2373	2444	2517	2593	2717	2843	2970
Communication Equipment Technician I	2637	2716	2797	2881	3028	3170	3312
Communication Equipment Technician II							
Communication Equipment Technician III	2786	2870	2956	3045	3197	3348	3500
Court Reporter	2153	2218	2285	2354	2463	2570	2687
Data Processing Assistant	1495	1540	1586	1634	1689	1744	1800
Data Processing Operator	1399	1441	1484	1529	1581	1632	1687
Data Processing Operator Trainee	1324	1364	1405	1447	1486	1529	1571
Drafting Worker	1800	1854	1910	1967	2049	2124	2200
Electronic Equipment	1724	1776	1829	1884	1966	2037	2112
Electronic Equipment	1885	1942	2000	2060	2148	2228	2316
Installer/Repairer Leadworker							
Electronics Technician	2153	2218	2285	2354	2463	2570	2687
Emergency Response Lead	1885	1942	2000	2060	2148	2228	2316
Telecommunicator							
Emergency Response	1724	1776	1829	1884	1966	2037	2112
Telecommunicator							
Engineering Technician I	1967	2026	2087	2150	2240	2336	2436
Engineering Technician III	2262	2330	2400	2472	2586	2704	2832
Executive Secretary I	1800	1854	1910	1967	2049	2124	2200
Graphic Arts Designer	2062	2124	2188	2254	2350	2449	2548
Graphic Arts Technician	1885	1942	2000	2060	2148	2228	2316
Industrial Commission Reporter	2262	2330	2400	2472	2586	2704	2832
Industrial Commission Technician	1800	1854	1910	1967	2049	2124	2200
Insurance Analyst I	1660	1710	1761	1814	1882	1955	2027
Insurance Analyst II	1885	1942	2000	2060	2148	2228	2316
Insurance Analyst Trainee	1546	1592	1640	1689	1747	1809	1871

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF ADOPTED AMENDMENTS

Intermittent Clerk	8.15	8.39	8.65	8.90	9.14	9.41
Library Aide I	1360	1401	1443	1486	1529	1581
Library Aide II	1447	1490	1535	1581	1634	1688
Library Aide III	1546	1592	1640	1689	1747	1809
Library Technical Assistant	1724	1776	1829	1884	1966	2037
Microfilm Laboratory Technician I	1546	1592	1640	1689	1747	1809
Microfilm Laboratory Technician II	1660	1710	1763	1814	1882	1955
Microfilm Operator I	1399	1441	1484	1529	1581	1632
Microfilm Operator II	1495	1540	1586	1634	1689	1744
Microfilm Operator III	1599	1647	1696	1747	1814	1879
Office Aide	1324	1364	1405	1447	1486	1529
Office Assistant	1495	1540	1586	1634	1689	1744
Office Associate	1599	1647	1696	1747	1814	1879
Office Clerk	1399	1441	1484	1529	1581	1632
Office Coordinator	1660	1710	1761	1814	1882	1955
Photographer I	1800	1854	1910	1967	2049	2124
Photographer II	2062	2124	2188	2254	2350	2449
Photographer III	2153	2218	2285	2354	2463	2570
Photographic Technician I	1800	1854	1910	1967	2049	2124
Photographic Technician II	2153	2218	2285	2354	2463	2570
Photographic Technician III	2153	2218	2285	2354	2463	2570
Procurement Representative	1660	1710	1761	1814	1882	1955
Property & Supply Clerk I	1399	1441	1484	1529	1578	1628
Property & Supply Clerk II	1490	1535	1581	1628	1678	1740
Property & Supply Clerk III	1599	1647	1696	1747	1814	1879
Property Tax Examiner	1660	1710	1761	1814	1882	1955
Rehabilitation Case Coordinator I	1546	1592	1640	1689	1747	1809
Rehabilitation Case Coordinator II	1660	1710	1761	1814	1882	1955
Reproduction Service Technician I	1447	1490	1535	1584	1634	1688
Reproduction Service Technician II	1660	1710	1761	1814	1882	1955
Reproduction Service Technician III	1800	1854	1910	1967	2049	2124
Safety Responsibility Analyst	1885	1942	2000	2060	2148	2228
Storekeeper I	1786	1840	1895	1952	2025	2107
Storekeeper II	1938	1996	2056	2118	2207	2294
Storekeeper III	2062	2124	2188	2254	2350	2449
Stores Clerk	1444	1487	1532	1578	1628	1677
Switchboard Operator I	1447	1490	1535	1581	1634	1688
Switchboard Operator II	1546	1592	1640	1689	1747	1809
Telecommunications Field Advisor	2153	2218	2285	2354	2463	2570
Telecommunications Field Advisor Lead Worker	2373	2444	2517	2593	2717	2843
Telecommunicator	1885	1942	2000	2060	2148	2228
Telecommunicator-Command Center	1967	2026	2087	2150	2240	2336
Telecommunicator Call Taker	1967	2026	2087	2150	2240	2336
Telecommunicator Lead Call Taker	2153	2218	2285	2354	2463	2570

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF ADOPTED AMENDMENTS

Telecommunicator Lead Worker	2062	2124	2188	2254	2350	2449
Telecommunicator Lead Worker-Command Center	2153	2218	2285	2354	2463	2570
Telecommunicator Trainee	1724	1776	1829	1884	1966	2037
Vehicle Permit Evaluator	1800	1854	1910	1967	2049	2124
Veterans Service Officer Associate	1800	1854	1910	1967	2049	2124
S T E P S (cont.)						
	4	5	6	7		
	1742	1793	1846	1937		
	1870	1931	1995	2102		
	2115	2189	2268	2394		
	2321	2405	2497	2636		
	1580	1625	1670	1747		
	2321	2405	2497	2636		
	2559	2656	2759	2919		
	1804	1860	1920	1997		
	2025	2101	2173	2287		
	2115	2189	2268	2394		
	2025	2101	2173	2287		
	2962	3083	3208	3399		
	3317	3457	3602	3819		
	3506	3657	3808	4041		
	2675	2784	2888	3060		
	1804	1860	1920	1997		
	1678	1735	1782	1874		
	1580	1625	1670	1747		
	2211	2293	2371	2504		
	2115	2189	2268	2394		
	2321	2405	2497	2636		
	2675	2784	2888	3060		
	2321	2405	2497	2636		
	2115	2189	2268	2394		
	2431	2522	2619	2768		
	2817	2934	3052	3262		
	2211	2293	2371	2504		
	2559	2656	2759	2919		
	2321	2405	2497	2636		
	2817	2934	3052	3262		
	2211	2293	2371	2504		
	2025	2101	2173	2287		
	2321	2405	2497	2636		
	1870	1931	1995	2102		
	9.72	10.00	10.28	10.75		
	1628	1674	1722	1811		
	1742	1793	1846	1937		

## DEPARTMENT OF CENTAL MANAGEMENT SERVICES

## NOTICE OF ADOPTED AMENDMENTS

1870	1931	1995	2102
2115	2189	2268	2394
1870	1931	1995	2102
2025	2101	2173	2287
1678	1735	1782	1874
1804	1860	1920	2017
1950	2013	2082	2192
1580	1625	1670	1747
1804	1860	1920	2017
1950	2013	2082	2192
1678	1735	1782	1874
2025	2101	2173	2287
2211	2293	2371	2504
2559	2656	2759	2919
2675	2784	2888	3060
2211	2293	2371	2504
2559	2656	2759	2919
2675	2784	2888	3060
2025	2101	2173	2287
1676	1722	1776	1867
2559	2656	2759	2919
1792	1846	1904	1996
1950	2013	2082	2192
2025	2101	2173	2287
1870	1931	1995	2102
2025	2101	2173	2287
1742	1793	1846	1937
2025	2101	2173	2287
2211	2293	2371	2504
2321	2405	2497	2636
2181	2267	2340	2466
2388	2476	2559	2704
1731	1785	1836	1929
1742	1793	1846	1937
1870	1931	1995	2102
2025	2101	2173	2287
1804	1860	1920	2017
1804	1860	1920	2017
2025	2101	2173	2287
2321	2405	2497	2636
2675	2784	2888	3060
2321	2405	2497	2636
2431	2522	2619	2768
2675	2784	2888	3060
2559	2656	2759	2919
2675	2784	2888	3060

## DEPARTMENT OF CENTAL MANAGEMENT SERVICES

## NOTICE OF ADOPTED AMENDMENTS

2115 2189 2268 2394  
2211 2293 2371 2504  
2211 2293 2371 2504

NOTE: Employees subject to the alternative pension formula will be paid at rates that are 3% higher than those stated above.

Full-time employees who are receiving the flat-rate pension formula will receive a one-time lump sum payment of \$665.

Effective: April 1, 1998

				S T E P S			
				1b	1a	1	2
Veterans Service Officer Associate				1967	2026	2087	2150
							2240

S T E P S (cont.)

				4	5	6	7
Veterans Service Officer Associate				2431	2522	2619	2768
				Effective: July 1, 1998			

				S T E P S			
				1c	1b	1a	1
Account Clerk I				1490	1525	1581	1628
Account Clerk II				1592	1640	1689	1740
Account Technician I				1776	1829	1884	1941
Account Technician II				1942	2000	2060	2122
Administrative Services Worker				1364	1405	1447	1490
Trainee							
Aircraft Dispatcher				1942	2000	2060	2122
Aircraft Lead Dispatcher				2124	2188	2254	2322
Audio Visual Technician I				1540	1586	1634	1683
Audio Visual Technician II				1710	1761	1814	1868
Buyer Assistant				1776	1829	1884	1941
Check Issuance Machine Operator				1710	1761	1814	1868
Clerical Trainee				TR			
Communication Dispatcher				1710	1761	1814	1868
Communication Equipment Technician				2444	2517	2593	2671
Communication Equipment Technician I				2716	2797	2881	2967
Communication Equipment Technician II							
Communication Equipment Technician III				2870	2956	3045	3136
Court Reporter				2218	2285	2354	2435
Data Processing Assistant				1540	1586	1634	1683

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF ADOPTED AMENDMENTS

Data Processing Operator	1441	1484	1529	1575	1628	1681
Data Processing Operator Trainee	1364	1405	1447	1490	1531	1575
Drafting Worker	1854	1910	1967	2026	2110	2188
Electronic Equipment	1776	1829	1884	1941	2025	2098
Electronic Equipment	1942	2000	2060	2122	2212	2295
Installer/Repairer Leadworker	2218	2285	2354	2425	2537	2647
Electronics Technician	1942	2000	2060	2122	2212	2295
Emergency Response Lead	1776	1829	1884	1941	2025	2098
Emergency Response	2026	2087	2150	2215	2307	2406
Telecommunicator	2330	2400	2472	2546	2664	2785
Engineering Technician II	1854	1910	1967	2026	2110	2188
Executive Secretary I	2124	2188	2254	2322	2421	2522
Graphic Arts Designer	1942	2000	2060	2122	2212	2295
Graphic Arts Technician	2330	2400	2472	2546	2664	2785
Industrial Commission Reporter	1854	1910	1967	2026	2110	2188
Insurance Analyst I	1710	1761	1814	1868	1938	2014
Insurance Analyst II	1942	2000	2060	2122	2212	2295
Insurance Analyst Trainee	1592	1640	1689	1740	1799	1863
Intermittent Clerk	8.39	8.65	8.90	9.17	9.42	9.69
Library Aide I	1401	1443	1486	1531	1575	1628
Library Aide II	1490	1535	1581	1628	1683	1739
Library Aide III	1592	1640	1689	1740	1799	1863
Library Technical Assistant	1776	1829	1884	1941	2025	2098
Lottery Telemarketing Representative	1710	1761	1814	1868	1938	2014
Microfilm Laboratory Technician I	1592	1640	1689	1740	1799	1863
Microfilm Laboratory Technician II	1710	1761	1814	1868	1938	2014
Microfilm Operator I	1441	1484	1529	1575	1628	1681
Microfilm Operator II	1540	1586	1634	1683	1740	1796
Microfilm Operator III	1647	1696	1747	1799	1868	1935
Office Aide	1364	1405	1447	1490	1531	1575
Office Assistant	1540	1586	1634	1683	1740	1796
Office Associate	1647	1696	1747	1799	1868	1935
Office Clerk	1441	1484	1529	1575	1628	1681
Office Coordinator	1710	1761	1814	1868	1938	2014
Photographer I	1854	1910	1967	2026	2110	2188
Photographer II	2124	2188	2254	2322	2421	2522
Photographer III	2218	2285	2354	2425	2537	2647
Photographic Technician I	1854	1910	1967	2026	2110	2188
Photographic Technician II	2124	2188	2254	2322	2421	2522
Photographic Technician III	2218	2285	2354	2425	2537	2647
Procurement Representative	1710	1761	1814	1868	1938	2014
Property & Supply Clerk I	1441	1484	1529	1575	1628	1681
Property & Supply Clerk II	1535	1581	1628	1677	1728	1792

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF ADOPTED AMENDMENTS

Property & Supply Clerk III	1647	1696	1747	1799	1868	1935
Property Tax Examiner	1710	1761	1814	1868	1938	2014
Rehabilitation Case Coordinator I	1592	1640	1689	1740	1799	1863
Rehabilitation Case Coordinator II	1710	1761	1814	1868	1938	2014
Reproduction Service Technician I	1490	1535	1581	1628	1683	1739
Reproduction Service Technician II	1710	1761	1814	1868	1938	2014
Reproduction Service Technician III	1854	1910	1967	2026	2110	2188
Safety Responsibility Analyst	1942	2000	2060	2122	2212	2295
Storekeeper I	1840	1895	1952	2011	2086	2170
Storekeeper II	1996	2065	2118	2182	2273	2363
Storekeeper III	2124	2188	2254	2322	2421	2522
Stores Clerk	1487	1532	1578	1625	1677	1727
Switchboard Operator I	1490	1535	1581	1628	1683	1739
Switchboard Operator II	1592	1640	1689	1740	1799	1863
Telecommunications Field Advisor	2128	2285	2354	2425	2537	2647
Telecommunications Field Advisor	2444	2517	2593	2671	2799	2928
Lead Worker	1942	2000	2060	2122	2212	2295
Telecommunicator	2026	2087	2150	2215	2307	2406
Telecommunicator-Command Center	2026	2087	2150	2215	2307	2406
Telecommunicator Call Taker	2218	2285	2354	2425	2537	2647
Telecommunicator Lead Call	2218	2285	2354	2425	2537	2647
Taker	2444	2517	2593	2671	2799	2928
Telecommunicator Lead	2124	2188	2254	2322	2421	2522
Specialist	2218	2285	2354	2425	2537	2647
Telecommunicator Lead Worker	2124	2188	2254	2322	2421	2522
Telecommunicator Lead	2218	2285	2354	2425	2537	2647
Worker-Command Center	2218	2285	2354	2425	2537	2647
Telecommunicator Specialist	1776	1829	1884	1941	2025	2098
Telecommunicator	1854	1910	1967	2026	2110	2188
Trainee	1854	1910	1967	2026	2110	2188
Vehicle Permit Evaluator	1854	1910	1967	2026	2110	2188
Veterans Service Officer Associate	1854	1910	1967	2026	2110	2188
Account Clerk I	1794	1847	1901	1955	2055	2165
Account Clerk II	1926	1989	2055	2165	2336	2466
Account Technician I	2178	2255	2336	2466	2647	2799
Account Technician II	2391	2477	2572	2715	2928	3166
Administrative Services Worker	1627	1674	1720	1799	2026	2210
Trainee	2391	2477	2572	2715	2928	3166
Aircraft Dispatcher	2636	2736	2842	3007	3256	3566
Aircraft Lead Dispatcher	1858	1916	1978	2055	2238	2466
Audio Visual Technician I	2086	2164	2258	2356	2537	2799
Audio Visual Technician II	2178	2255	2336	2466	2647	2799
Buyer Assistant	2178	2255	2336	2466	2647	2799

S T E P S (cont.)

4 5 6 7



## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF ADOPTED AMENDMENTS

Check Isolation Machine Operator	2086	2164	2238	2356
Clerical Trainee	TR			
Communication Dispatcher	2086	2164	2238	2356
Communication Equipment Technician I	3051	3175	3304	3501
Communication Equipment Technician II	3417	3561	3710	3934
Communication Equipment Technician III	3611	3767	3922	4162
Court Reporter	2755	2868	2975	3152
Data Processing Assistant	1858	1916	1978	2078
Data Processing Operator	1728	1787	1835	1930
Data Processing Operator Trainee	1627	1674	1720	1799
Drafting Worker	2277	2362	2442	2579
Electronic Equipment Installer/Repairer	2178	2255	2336	2466
Electronic Equipment Installer/Repairer Leadworker	2391	2477	2572	2715
Electronics Technician	2755	2868	2975	3152
Emergency Response Lead	2391	2477	2572	2715
Telecommunicator	2178	2255	2336	2466
Emergency Response Engineering Technician II	2504	2598	2698	2851
Engineering Technician III	2902	3022	3144	3329
Executive Secretary I	2277	2362	2442	2579
Graphic Arts Designer	2636	2736	2842	3007
Graphic Arts Technician	2391	2477	2572	2715
Industrial Commission Reporter	2302	3022	3144	3329
Industrial Commission Technician	2277	2362	2442	2579
Insurance Analysts I	2086	2164	2238	2356
Insurance Analysts II	2391	2477	2572	2715
Insurance Analysts Trainee	1826	1963	2052	2165
Inventory Control Clerk	1360	1400	1440	1508
Library Aide I	1677	1724	1771	1865
Library Aide II	1794	1847	1901	1995
Library Aide III	1926	1989	2055	2165
Library Technical Assistant	2178	2255	2336	2466
Lottery Telemarketing Representative	2086	2164	2238	2356
Microfilm Laboratory Technician I	1926	1989	2055	2165
Microfilm Laboratory Technician II	2086	2164	2238	2356
Microfilm Operator I	1728	1787	1835	1930
Microfilm Operator II	1858	1916	1978	2078
Microfilm Operator III	1978	2036	2094	2194
Office Aide	1627	1674	1720	1799
Office Assistant	1858	1916	1978	2078
Office Associate	2009	2073	2144	2258
Office Clerk	1728	1787	1835	1930

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF ADOPTED AMENDMENTS

Office Coordinator	2086	2164	2238	2356
Photographer I	2277	2362	2442	2579
Photographer II	2636	2736	2842	3007
Photographer III	2755	2868	2975	3152
Photographic Technician I	2277	2362	2442	2579
Photographic Technician II	2636	2736	2842	3007
Photographic Technician III	2755	2868	2975	3152
Procurement Technician I	1728	1787	1835	1930
Procurement Technician II	1858	1916	1978	2078
Property & Supply Clerk I	1726	1774	1822	1921
Property & Supply Clerk II	1846	1901	1961	2056
Property & Supply Clerk III	2009	2073	2144	2258
Property Tax Examiner	2086	2164	2238	2356
Rehabilitation Case Coordinator I	1926	1989	2055	2165
Rehabilitation Case Coordinator II	2086	2164	2238	2356
Reproduction Service Technician I	1794	1847	1901	1995
Reproduction Service Technician II	2086	2164	2238	2356
Reproduction Service Technician III	2277	2362	2442	2579
Safety Responsibility Analyst	2391	2477	2572	2715
Storekeeper I	2086	2164	2238	2356
Storekeeper II	2277	2362	2442	2579
Storekeeper III	2636	2736	2842	3007
Stores Clerk	1794	1847	1901	1995
Switchboard Operator I	1794	1847	1901	1995
Switchboard Operator II	1926	1989	2055	2165
Telecommunications Field Advisor	2755	2868	2975	3152
Telecommunications Field Advisor Lead Worker	3051	3175	3304	3501
Telecommunicator	2391	2477	2572	2715
Telecommunicator Command Center	2504	2598	2698	2851
Telecommunicator Call Taker	2504	2598	2698	2851
Telecommunicator Call Taker Supervisor	2636	2736	2842	3007
Telecommunicator Lead	3051	3175	3304	3501
Specialist				
Telecommunicator Lead Worker	2636	2736	2842	3007
Telecommunicator Lead Worker-Command Center	2755	2868	2975	3152
Telecommunicator Specialist	2755	2868	2975	3152
Telecommunicator Trainee	2178	2255	2336	2466
Vehicle Permit Evaluator	2277	2362	2442	2579
Veterans Service Officer Associate	2277	2362	2442	2579

NOTE: Employees subject to the alternative pension formula will be paid at rates that are 3% higher than those stated above.

Effective: July 1, 1999

S T E P S

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF ADOPTED AMENDMENTS

	1c	1b	1a	1	2	3
Account Clerk I	1535	1581	1628	1677	1732	1791
Account Clerk II	1640	1689	1740	1792	1853	1919
Account Technician I	1829	1884	1941	1999	2086	2161
Account Technician II	2000	2060	2122	2186	2278	2364
Administrative Services Worker Trainee	1405	1447	1490	1535	1577	1622
Aircraft Dispatcher	2000	2060	2122	2186	2278	2364
Aircraft Lead Dispatcher	2188	2254	2322	2392	2494	2598
Audio Visual Technician I	1586	1634	1683	1733	1792	1850
Audio Visual Technician II	1761	1814	1868	1924	1996	2074
Buyer Assistant	1829	1884	1941	1999	2086	2161
Check Insurance Machine Operator	1761	1814	1868	1924	1996	2074
Clerical Trainee	1405	1447	1490	1535	1577	1622
Communication Dispatcher	1761	1814	1868	1924	1996	2074
Communication Equipment Technician I	2317	2393	2471	2551	2633	2717
Communication Equipment Technician II	2797	2881	2967	3056	3213	3363
Communication Equipment Technician III	2956	3045	3136	3230	3392	3551
Court Reporter	2285	2354	2425	2498	2613	2726
Data Processing Assistant	1586	1634	1683	1733	1792	1850
Data Processing Operator	1484	1529	1575	1622	1677	1731
Data Processing Operator Trainee	1815	1863	1910	1957	2004	2051
Defecting Equipment Installer/Repairer	1829	1884	1941	1999	2086	2161
Electronic Equipment Installer/Repairer	2000	2060	2122	2186	2278	2364
Electronic Equipment Technician	2285	2354	2425	2498	2613	2726
Emergency Response Lead	2000	2060	2122	2186	2278	2364
Emergency Response	1829	1884	1941	1999	2086	2161
Emergency Response Telecommunicator	2087	2150	2215	2281	2376	2478
Engineering Technician I	2000	2060	2122	2186	2278	2364
Executive Secretary I	1910	1967	2026	2087	2173	2254
Graphic Arts Designer	2188	2254	2322	2392	2494	2598
Graphic Arts Technician	2000	2060	2122	2186	2278	2364
Industrial Commission Reporter	2400	2472	2546	2622	2744	2869
Industrial Commission Technician	1910	1967	2026	2087	2173	2254
Insurance Analyst I	1761	1814	1868	1924	1996	2074
Insurance Analyst II	2000	2060	2122	2186	2278	2364
Insurance Analyst Trainee	1640	1689	1740	1792	1853	1919
Intermittent Clerk	8.65	8.90	9.17	9.45	9.70	9.98
Library Aide I	1443	1486	1531	1577	1622	1677
Library Aide II	1535	1581	1628	1677	1733	1791

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF ADOPTED AMENDMENTS

Library Aide III	1640	1689	1740	1792	1853	1919
Library Mechanical Assistant	1889	1943	1998	2053	2108	2161
Lottery Telemarketing Representative	1761	1814	1868	1924	1996	2074
Microfilm Laboratory Technician I	1640	1689	1740	1792	1853	1919
Microfilm Laboratory Technician II	1761	1814	1868	1924	1996	2074
Microfilm Operator I	1484	1529	1575	1622	1677	1731
Microfilm Operator II	1586	1634	1683	1733	1792	1850
Microfilm Operator III	1696	1747	1799	1853	1924	1993
Office Aide	1405	1447	1490	1535	1577	1622
Office Assistant	1586	1634	1683	1733	1792	1850
Office Associate	1696	1747	1799	1853	1924	1993
Office Clerk	1484	1529	1575	1622	1677	1731
Office Coordinator	1586	1634	1683	1733	1792	1850
Photographer I	1571	1627	2082	2137	2192	2247
Photographer II	2188	2254	2322	2392	2494	2598
Photographer III	2285	2354	2425	2498	2613	2726
Photographic Technician I	1910	1967	2026	2087	2173	2254
Photographic Technician II	2188	2254	2322	2392	2494	2598
Photographic Technician III	2285	2354	2425	2498	2613	2726
Procurement Representative	1761	1814	1868	1924	1996	2074
Property & Supply Clerk I	1484	1529	1575	1622	1674	1777
Property & Supply Clerk II	1581	1628	1677	1727	1780	1846
Property & Supply Clerk III	1696	1747	1799	1853	1924	1993
Property Tax Examiner	1761	1814	1868	1924	1996	2074
Recreation Case Coordinator I	1586	1634	1683	1733	1792	1850
Rehabilitation Case Coordinator II	1761	1814	1868	1924	1996	2074
Reproduction Service Technician I	1535	1581	1628	1677	1733	1791
Reproduction Service Technician II	1761	1814	1868	1924	1996	2074
Reproduction Service Technician III	1910	1967	2026	2087	2173	2254
Safety Responsibility Analyst	2000	2060	2122	2186	2278	2364
Storekeeper I	1895	1952	2011	2071	2149	2235
Storekeeper II	2056	2118	2182	2247	2341	2434
Storekeeper III	2188	2254	2322	2392	2494	2598
Stores Clerk	1532	1578	1625	1674	1727	1779
Switchboard Operator I	1696	1747	1799	1853	1924	1993
Switchboard Operator II	1814	1868	1924	1972	2053	2134
Telecommunications Field Advisor	2285	2354	2425	2498	2613	2726
Telecommunications Field Advisor Lead Worker	2517	2593	2671	2751	2883	3016
Telecommunicator	2000	2060	2122	2186	2278	2364
Telecommunicator-Command Center	2087	2150	2215	2281	2376	2478
Telecommunicator Call Taker	2188	2254	2322	2392	2494	2598
Telecommunicator Lead Call Taker	2285	2354	2425	2498	2613	2726
Telecommunicator Lead	2517	2593	2671	2751	2883	3016
Specialist	2188	2254	2322	2392	2494	2598
Telecommunicator Lead Worker	2517	2593	2671	2751	2883	3016



## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF ADOPTED AMENDMENTS

Telecommunicator	2463	2551	2649	2796
Telecommunicator-Command Center	2579	2676	2779	2937
Telecommunicator Call Taker	2715	2818	2927	3097
Telecommunicator Lead Call Taker	2838	2954	3064	3247
Telecommunicator Lead	3143	3270	3403	3606
Specialist				
Telecommunicator Lead Worker	2715	2818	2927	3097
Telecommunicator Lead	2838	2954	3064	3247
Worker-Command Center				
Telecommunicator Specialist	2838	2954	3064	3247
Telecommunicator	2923	3031	3140	3260
Vehicle Permit Evaluator	2945	3054	3165	3286
Veterans Service Officer	2945	3054	3165	3286
Associate	2945	3054	3165	3286

NOTE: Employees subject to the alternative pension formula will be paid at rates that are 3% higher than those stated above.

Maximum Security Institutions Schedule  
Effective: July 1, 1999

	S T E P S			
	1a	1b	2	3
Account Clerk I	1633	1680	1728	1779
Account Clerk II	1741	1791	1844	1897
Account Technician I	1935	1992	2051	2110
Account Technician II	2112	2173	2237	2303
Administrative Services Worker	1499	1542	1586	1633
Trainee	2112	2173	2237	2303
Aircraft Dispatcher	2305	2373	2443	2515
Aircraft Lead	1685	1735	1785	1836
Dispatcher	1865	1920	1976	2033
Radio Visual Technician I	1935	1992	2051	2110
Audio Visual Technician II	1865	1920	1976	2033
Buyer Assistant	1865	1920	1976	2033
Check Issuance Machine Operator	1865	1920	1976	2033
Clerical Trainee	1865	1920	1976	2033
Communication Dispatcher	1865	1920	1976	2033
Communication Equipment Technician I	2644	2722	2802	2885
Communication Equipment Technician II	2932	3019	3108	3199

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF ADOPTED AMENDMENTS

Communication				
Equipment	3096	3188	3282	3378
Technician III				
Court Reporter	2405	2476	2549	2624
Data Processing				
Assistant	1685	1735	1785	1836
Data Processing				
Operator	1580	1626	1674	1722
Data Processing Operator				
Trainee	1499	1542	1586	1633
Office Worker	1935	1992	2051	2110
Electronic Equipment	1935	1992	2051	2110
Electronic Equipment	2112	2173	2237	2303
Installer/Repairer Leadworker				
Electronics				
Technician	2405	2476	2549	2624
Emergency Response				
Lead	2112	2173	2237	2303
Telecommunicator				
Emergency Response	1935	1992	2051	2110
Telecommunicator				
Engineering Technician	2201	2266	2333	2401
Engineering Technician III				
Executive Secretary I	2524	2598	2674	2752
Executive Secretary II	2019	2078	2138	2201
Graphic Arts Designer	2305	2373	2443	2515
Graphic Arts				
Technician	2112	2173	2237	2303
Industrial Commission	2524	2598	2674	2752
Reporter	2019	2078	2138	2201
Industrial Commission				
Technician	1865	1920	1976	2033
Insurance Analyst I	2112	2173	2237	2303
Insurance Analyst II				
Trainee	1741	1791	1844	1897
Intermittent Clerk (Hourly)	9.22	9.49	9.76	10.05
Library Aide I	1538	1582	1628	1676
Library Aide II	1633	1680	1728	1779
Library Aide III	1741	1791	1844	1897
Library Technical				
Assistant	1935	1992	2051	2110
Library Relationship Marketing Representative	1865	1920	1976	2033
Microfilm Laboratory Technician I	1741	1791	1844	1897

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF ADOPTED AMENDMENTS

Microfilm Laboratory Technician

II Microfilm Operator I 1865 1920 1976 2033 2107 2188  
1580 1626 1674 1722 1779 1834  
Microfilm Operator II 1685 1735 1785 1836 1897 1957  
Microfilm Operator

III 1798 1851 1904 1960 2033 2104

Office Aide 1499 1542 1586 1633 1676 1722

Office Assistant 1685 1735 1785 1836 1897 1957

Office Associate 1798 1851 1904 1960 2033 2104

Office Clerk 1580 1626 1674 1722 1779 1834

Office Coordinator 1865 1920 1976 2033 2107 2188

Photographer I 2019 2078 2138 2201 2290 2373

Photographer II 2305 2373 2443 2515 2620 2727

Photographer III 2405 2476 2549 2624 2743 2859

Photographic Technician 2019 2078 2138 2201 2290 2373

I 2305 2373 2443 2515 2620 2727

Photographic Technician 2405 2476 2549 2624 2743 2859

III 1865 1920 1976 2033 2107 2188

Procurement 1580 1626 1674 1722 1776 1830

Representative 1680 1728 1779 1830 1885 1953

Property & Supply Clerk 1798 1851 1904 1960 2033 2104

I 1865 1920 1976 2033 2107 2188

Property & Supply Clerk 1741 1791 1844 1897 1960 2028

II 1865 1920 1976 2033 2107 2188

Property & Supply Clerk III 1633 1680 1728 1779 1836 1896

Property Tax Examiner 1865 1920 1976 2033 2107 2188

Rehabilitation Case Coordinator 1741 1791 1844 1897 1960 2028

I 1865 1920 1976 2033 2107 2188

Rehabilitation Case Coordinator 1633 1680 1728 1779 1836 1896

II 1865 1920 1976 2033 2107 2188

Reproduction Service Technician 1865 1920 1976 2033 2107 2188

I 1633 1680 1728 1779 1836 1896

Reproduction Service Technician 1865 1920 1976 2033 2107 2188

II 1865 1920 1976 2033 2107 2188

Reproduction Service 2019 2078 2138 2201 2290 2373

Technician 2112 2163 2227 2303 2398 2486

III 2003 2062 2123 2185 2265 2354

Safety Responsibility Analyst 2169 2233 2299 2366 2463 2559

Storekeeper I 2305 2373 2443 2515 2620 2727

Storekeeper II 1629 1677 1725 1776 1830 1884

Storekeeper III 1633 1680 1728 1779 1836 1896

Stores Clerk 1741 1791 1844 1897 1960 2028

Switchboard Operator I 2405 2476 2549 2624 2743 2859

Switchboard Operator II

Telecommunications Field

Advisor

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF ADOPTED AMENDMENTS

Telecommunications Field

Advisor 2644 2722 2803 2885 3021 3158  
Lead Worker 2112 2173 2237 2303 2398 2486  
Telecommunicator 2201 2266 2333 2401 2499 2604  
Telecommunicator-Command 2305 2373 2443 2515 2620 2727  
Center 2405 2476 2549 2624 2743 2859  
Telecommunicator Call Taker 2644 2722 2803 2885 3021 3158  
Telecommunicator Lead Call 2305 2373 2443 2515 2620 2727  
Taker 2405 2476 2549 2624 2743 2859  
Telecommunicator Lead 2305 2373 2443 2515 2620 2727  
Specialist 2405 2476 2549 2624 2743 2859  
Telecommunicator Lead 2405 2476 2549 2624 2743 2859  
Worker 2405 2476 2549 2624 2743 2859  
Telecommunicator Lead 1935 1992 2051 2110 2200 2277  
Worker-Command Center 2019 2078 2138 2201 2290 2373  
Telecommunicator 2019 2078 2138 2201 2290 2373  
Specialist 2019 2078 2138 2201 2290 2373  
Trainee 2019 2078 2138 2201 2290 2373  
Vehicle Permit 2019 2078 2138 2201 2290 2373  
Evaluator 2019 2078 2138 2201 2290 2373  
Veterans Service 2019 2078 2138 2201 2290 2373  
Officer 2019 2078 2138 2201 2290 2373  
Associate 2019 2078 2138 2201 2290 2373

S T F P S (cont.)

4 5 6 7







## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF ADOPTED AMENDMENTS

Technician-III	3382	3386	3392	3496	2331	2416	2497	2637
Court Reporter	3062	3444	3332	3496	2331	2416	2497	2637
Data Processing Assistant	3062	3444	3332	3496	2331	2416	2497	2637
Data Processing Operator	1939	3084	2057	2161	2068	2139	2195	2239
Data Processing Operator-Trainee	1059	1081	1051	2018	2346	2316	2394	2519
Drafting Worker	2539	2053	2759	2070	2321	2416	2497	2637
Electronic Equipment	2431	2516	2694	2746	2357	2255	2290	2417
Installer/Repairer					2331	2416	2497	2637
Electronic Equipment	3665	2750	2881	3018	2331	2416	2497	2637
Installer/Repairer-Headworker	3062	3486	3382	3496	2331	2416	2497	2637
Electronics Technician	3062	3486	3382	3496	2331	2416	2497	2637
Emergency-Response-Head	3665	2750	2881	3018	2331	2416	2497	2637
Telecommunicator					2539	2633	2719	2870
Emergency-Response	2431	2516	2694	2746	2665	2758	2861	3018
Telecommunicator					2665	2694	2831	3095
Engineering Technician-II	2787	2090	2999	3167	2748	2839	2931	3095
Engineering Technician-III	3293	3354	3487	3689	2931	3042	3157	3337
Executive-Secretary-I	5539	2633	2719	2870	1999	2061	2118	2232
Graphic Arts Designer	2931	3042	3157	3317	2012	2069	2129	2232
Graphic Arts Technician	2665	2750	2881	3018	2157	2295	2398	2417
Industrial Commission Reporter	3293	3354	3487	3689	3062	3106	3302	3496
Industrial Commission Technician	2539	2633	2719	2870	3386	3521	3662	3877
Insurance Analyst-I	2331	2416	2497	2627				
Insurance Analyst-II	2665	2750	2881	3018	2665	2758	2861	3018
Insurance Analyst-Trainee	2157	2225	2298	2417	2665	2758	2861	3018
Intermittent Clerk	1126	1150	1188	1242				
Library Aide-I	1804	1935	1990	2090	2931	3042	3157	3337
Library Aide-II	2012	2069	2159	2232	3062	3106	3302	3496
Library Aide-III	2157	2225	2298	2417	3062	3106	3302	3496
Library Technician-Assistant	2431	2516	2694	2746	3062	3106	3302	3496
Lottery Technician-Assistant	2331	2416	2497	2627	3062	3106	3302	3496
Representative					2931	3042	3157	3337
Microfilm-Laboratory Technician-I	2157	2225	2298	2417	3062	3106	3302	3496
Microfilm-Laboratory Technician-II	2331	2416	2497	2627	3062	3106	3302	3496
Microfilm-Operator-I	1939	2004	2057	2161	2431	2516	2694	2746
Microfilm-Operator-II	2082	2144	2212	2322	2539	2633	2719	2870
Microfilm-Operator-III	2246	2316	2394	2519	2539	2633	2719	2870
Office Aide	1804	1829	1931	2018	2539	2633	2719	2870
Office Assistant	2082	2144	2212	2322	2539	2633	2719	2870
Office Associate	2246	2316	2394	2519	2539	2633	2719	2870
Office Clerk	1939	2004	2057	2161	2539	2633	2719	2870
Office Coordinator	2331	2416	2497	2627	2539	2633	2719	2870
Photographer-I	2539	2633	2719	2870	2539	2633	2719	2870
Photographer-II	2931	3042	3157	3337	2539	2633	2719	2870
Photographer-III	3062	3106	3302	3496	2539	2633	2719	2870
Photographic Technician-I	2539	2633	2719	2870	2539	2633	2719	2870
Photographic Technician-II	2931	3042	3157	3337	2539	2633	2719	2870
Photographic Technician-III	3062	3106	3302	3496	2539	2633	2719	2870

Reg. 11 02 0

(Source: Adopted at 23 Ill. Reg. effective

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF ADOPTED AMENDMENTS

## Section 310.TABLE O RC-028 (Paraprofessional Human Services Employees, AFSCME)

IC	S T E P S	1c	lb	la	1	2	3	Effective July 1, 1997	DEPARTMENT OF CENTRAL MANAGEMENT SERVICES									
									NOTICE OF ADOPTED AMENDMENTS									
									TECHNICIAN II									
Apparel Dry Goods Specialist III	1938	1996	2056	2118	2207	2294		Historic Site Interpreter	1660	1710	1761	1814	1882	1955				
Assistant Reimbursement Officer	1546	1592	1640	1689	1747	1809		Historic Site Lead II	1967	2026	2087	2150	2240	2336				
Child Development Aide III	1724	1776	1829	1884	1966	2037		Housekeeper II	1399	1441	1484	1529	1578	1628				
Clinical Laboratory Associate	1546	1592	1640	1689	1747	1809		Inhalation Therapist	1599	1647	1696	1747	1814	1879				
Clinical Laboratory Technician I	1724	1776	1829	1884	1966	2037		Intermittent Unemployment Insurance Technician	9.20	9.48	9.76	10.06	10.39	10.73				
Clinical Laboratory Technician II	1885	1942	2000	2060	2148	2228		Laboratory Associate	1399	1441	1484	1529	1582	1632				
Clinical Laboratory Technician III	1885	1942	2000	2060	2148	2228		Laboratory Associate I	1724	1776	1829	1884	1966	2037				
Compliance Officer	2062	2124	2188	2254	2350	2449		Laboratory Associate II	1895	1942	2000	2060	2148	2228				
Conservation Resource Technician I	1724	1776	1829	1884	1966	2037		Legal Research Assistant*	1967	2026	2087	2150	2240	2336				
Conservation Resource Technician II	1967	2026	2087	2150	2240	2336		Licensed Practical Nurse I	1709	1760	1813	1867	1936	2015				
Construction Supervisor I	1967	2026	2087	2150	2240	2336		Licensed Practical Nurse II	1792	1846	1901	1958	2045	2121				
Construction Supervisor II	2262	2330	2400	2472	2586	2704		Medical Records Assistant	1660	1710	1761	1814	1882	1955				
Crime Scene Investigator	2942	3030	3121	3215	3380	3543		Medical Records Technician	1800	1854	1910	1967	2049	2124				
Data Processing	2062	2124	2188	2254	2350	2449		Office Administrative Specialist	1885	1942	2000	2060	2148	2228				
Administrative Specialist	1885	1942	2000	2060	2148	2228		Office Specialist	1800	1854	1910	1967	2049	2124				
Data Processing Specialist	1660	1710	1761	1814	1882	1955		Pharmacist Lead Technician	1599	1647	1696	1747	1814	1879				
Data Processing Technician	1495	1540	1586	1634	1689	1744		Pharmacist Technician	1495	1540	1586	1634	1689	1744				
Trainee	1599	1647	1696	1747	1814	1879		Public Aid Eligibility Assistant	1599	1647	1696	1747	1814	1879				
Dental Assistant	1885	1942	2000	2060	2148	2228		Radiologic Technologist	1800	1854	1910	1967	2049	2124				
Dental Hygienist	1885	1942	2000	2060	2148	2228		Radiologic Technologist	1885	1942	2000	2060	2148	2228				
Electroencephalograph Technician	1599	1647	1696	1747	1814	1879		Program Coordinator	1967	2026	2087	2150	2240	2336				
Environmental Equipment Operator I	1885	1942	2000	2060	2148	2228		Rehabilitation Counselor	1660	1710	1761	1814	1882	1955				
Environmental Equipment Operator II	2062	2124	2188	2254	2350	2449		Rehabilitation Counselor Aide I	1800	1854	1910	1967	2049	2124				
Environmental Protection Technician I	1724	1776	1829	1889	1966	2037		Rehabilitation Counselor Aide II	2062	2124	2188	2254	2350	2449				
Environmental Protection Technician II	1724	1776	1829	1884	1966	2037		Senior Ranger	1724	1776	1829	1884	1966	2037				
Environmental Protection Technician III	1495	1540	1586	1634	1689	1744		Site Technician I	1885	1942	2000	2060	2148	2228				
Hearing & Speech Technician I	1660	1710	1761	1814	1882	1955		Site Technician II	1800	1854	1910	1967	2049	2124				
Hearing & Speech Technician II								Social Service Community Planner	1800	1854	1910	1967	2049	2124				
Hearing & Speech Technician III								State Police Crime Information Evaluator	1800	1854	1910	1967	2049	2124				
								State Police Evidence Technician I	1885	1942	2000	2060	2148	2228				
								State Police Evidence Technician II	1967	2026	2087	2150	2240	2336				
								Statistical Research Technician	1800	1854	1910	1967	2049	2124				
								Veterans Service Officer	1885	1942	2000	2060	2148	2228				
								Vocational Instructor	1885	1942	2000	2060	2148	2228				

S T E P S (cont.)

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF ADOPTED AMENDMENTS

4	5	6	7
2388	2476	2559	2704
1870	1931	1995	2102
2115	2189	2268	2394
1870	1931	1995	2102
2115	2189	2268	2394
2321	2405	2497	2636
2559	2656	2759	2919
2115	2189	2268	2394
2431	2522	2619	2768
2431	2522	2619	2768
2817	2934	3052	3232
3708	3877	4038	4289
2559	2656	2759	2919
1950	2013	2082	2192
2115	2189	2268	2394
1804	1860	1920	2017
1950	2013	2082	2192
2321	2405	2497	2636
1950	2013	2082	2192
2115	2189	2268	2394
1804	1860	1920	2017
2025	2101	2173	2287
2431	2522	2619	2768
2559	2656	2759	2919
1676	1722	1776	1867
1950	2013	2082	2192
11-10	11-45	11-82	12-41
1678	1735	1782	1874
2115	2189	2268	2394
2321	2405	2497	2636
2431	2522	2619	2768
2088	2170	2240	2360
2204	2285	2367	2519
2025	2101	2173	2287
2211	2293	2371	2504
2321	2405	2497	2636
2211	2293	2371	2504
1950	2013	2082	2192
1804	1860	1920	2017
1950	2013	2082	2192
2211	2293	2371	2504
2321	2405	2497	2636
2431	2522	2619	2768
2025	2101	2173	2287
2211	2293	2371	2504
2559	2656	2759	2919
2115	2189	2268	2394

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF ADOPTED AMENDMENTS

	2321	2405	2497	2636
	2211	2293	2371	2504
	2321	2405	2497	2636
	2431	2522	2619	2768
	2211	2293	2371	2504
	2321	2405	2497	2636
	2321	2405	2497	2636

NOTE: Employees subject to the alternative pension formula will be paid at rates that are 3% higher than those stated above.

Full-time employees who are receiving the flat-rate pension formula will receive a one-time lump sum payment of \$565.

Effective April 1, 1998

	lc	lb	la	1	2	3
Veterans Service Officer	2062	2124	2188	2254	2350	2449

Effective July 1, 1998

	lc	lb	la	1	2	3
Apparel Dry Goods	1996	2056	2118	2182	2273	2363
Specialist III	1592	1640	1689	1740	1799	1863
Assistant Reimbursement Officer	1776	1829	1884	1941	2025	2098
Child Development Aide III	1592	1640	1689	1740	1799	1863
Clinical Laboratory Associate	1776	1829	1884	1941	2025	2098
Clinical Laboratory Technician I	1942	2000	2060	2122	2212	2295
Clinical Laboratory Technician II	2124	2188	2254	2322	2421	2522
Compliance Officer	1776	1829	1884	1941	2025	2098
Conservation Resource	2026	2087	2150	2215	2307	2406
Technician I	2026	2087	2150	2215	2307	2406
Technician II	2026	2087	2150	2215	2307	2406
Construction Supervisor I	2330	2400	2472	2546	2664	2785
Construction Supervisor II	3030	3121	3215	3311	3481	3649
Crime Scene Investigator	2124	2186	2254	2322	2421	2522
Data Processing						



## DEPARTMENT OF CENTAL MANAGEMENT SERVICES

## NOTICE OF ADOPTED AMENDMENTS

Administrative Specialist	1942	2000	2060	2122	2212	2295
Data Processing Specialist	1710	1761	1814	1868	1938	2014
Data Processing Technician	1540	1586	1634	1693	1740	1796
Trainee	1647	1696	1747	1799	1868	1935
Dental Assistant	1942	2000	2060	2122	2212	2295
Dental Hygienist	1647	1696	1747	1799	1868	1935
Electroencephalograph Technician	1942	2000	2060	2122	2212	2295
Environmental Equipment Operator I	2124	2188	2254	2322	2421	2522
Environmental Equipment Operator II	1647	1696	1747	1799	1868	1935
Environmental Protection Technician I	1776	1829	1884	1941	2025	2098
Environmental Protection Technician II	1540	1586	1634	1683	1740	1796
Hearing & Speech Technician I	1710	1761	1814	1868	1938	2014
Hearing & Speech Technician II	1710	1761	1814	1868	1938	2014
Historic Site Interpreter	2026	2087	2150	2215	2307	2406
Historic Site Lead I	2124	2188	2254	2322	2421	2522
Historic Site Lead II	1441	1484	1529	1575	1625	1677
Housekeeper II	1647	1696	1747	1799	1868	1935
Inhalation Therapist	9.48	9.76	10.06	10.36	10.71	11.05
Intermittent Unemployment Insurance Technician	1441	1484	1529	1575	1628	1681
Laboratory Assistant	1776	1829	1884	1941	2025	2098
Laboratory Associate I	1942	2000	2060	2122	2212	2295
Laboratory Associate II	2026	2087	2150	2215	2307	2406
Legal Research Assistant	1760	1813	1867	1923	1994	2075
Licensed Practical Nurse I	1846	1901	1958	2017	2106	2185
Licensed Practical Nurse II	1710	1761	1814	1868	1938	2014
Medical Records Assistant	1854	1910	1967	2026	2110	2188
Medical Records Technician	1942	2000	2060	2122	2212	2295
Office Administrative Specialist	1854	1910	1967	2026	2110	2188
Office Specialist	1647	1696	1747	1799	1868	1935
Pharmacist Lead Technician	1540	1586	1634	1683	1740	1796
Pharmacist Technician	1647	1696	1747	1799	1868	1935
Public Aid Eligibility Assistant	1854	1910	1967	2026	2110	2188
Radiologic Technologist	1942	2000	2060	2122	2212	2295
Radiologic Technologist Program Coordinator	2026	2087	2150	2215	2307	2406
Ranger	1710	1761	1814	1868	1938	2014
Rehabilitation Counselor Aide I						

## DEPARTMENT OF CENTAL MANAGEMENT SERVICES

## NOTICE OF ADOPTED AMENDMENTS

Rehabilitation Counselor Aide II	1854	1910	1967	2026	2110	2188
Senior Ranger	2124	2188	2254	2322	2421	2522
Site Technician I	1776	1829	1884	1941	2025	2098
Site Technician II	1942	2000	2060	2122	2212	2295
Social Service Community Planner	1854	1910	1967	2026	2110	2188
State Police Crime Information Evaluator	1854	1910	1967	2026	2110	2188
State Police Evidence Technician I	1942	2000	2060	2122	2212	2295
State Police Evidence Technician II	2026	2087	2150	2215	2307	2406
Statistical Research Technician	1854	1910	1967	2026	2110	2188
Veterans Service Officer	1942	2000	2060	2122	2212	2295
Vocational Instructor	1942	2000	2060	2122	2212	2295
S T E P S (cont.)						
		4	5		6	7
Apparel Dry Goods Specialist III				2460	2550	2636
Assistant Reimbursement Officer				1926	1989	2055
Child Development Aide III				2178	2255	2336
Clinical Laboratory Associate				1926	1989	2055
Clinical Laboratory Technician I				2178	2255	2336
Clinical Laboratory Technician II				2391	2477	2572
Compliance Officer				2636	2736	2842
Conservation Resource Technician I				2178	2255	2336
Conservation Resource Technician II				2504	2598	2698
Construction Supervisor I				2504	2598	2698
Construction Supervisor II				2902	3022	3144
Crime Scene Investigator				3819	3993	4159
Data Processing				2636	2736	2842
Administrative Specialist				2391	2477	2572
Data Processing Specialist				2086	2164	2238
Data Processing Technician				1858	1916	1978
Trainee				2009	2073	2144
Dental Assistant				2391	2477	2572
Dental Hygienist				2009	2073	2144
Electroencephalograph Technician				2391	2477	2572
Environmental Equipment						



## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF ADOPTED AMENDMENTS

Environmental Protection Technician II	1829	1884	1941	1999	2086	2161
Hearing & Speech Technician I	1586	1634	1683	1733	1792	1850
Hearing & Speech Technician II	1761	1814	1868	1924	1996	2074
Historic Site Interpreter	1761	1814	1868	1924	1996	2074
Historic Site Lead I	2087	2150	2215	2276	2494	2598
Historic Site Lead II	2188	2254	2322	2392	2494	2598
Housekeeper II	1484	1529	1575	1622	1674	1727
Inhalation Therapist	1696	1747	1799	1853	1924	1993
Intermittent Unemployment Insurance Technician	9.76	10.06	10.36	10.66	11.03	11.38
Laboratory Assistant	1484	1529	1575	1622	1677	1731
Laboratory Associate I	1829	1884	1941	1999	2086	2161
Laboratory Associate II	2000	2060	2122	2186	2278	2364
Legal Research Assistant	2087	2150	2215	2281	2376	2478
Licensed Practical Nurse I	1813	1867	1923	1981	2054	2137
Licensed Practical Nurse II	1901	1958	2017	2078	2169	2261
Medical Records Assistant	1761	1814	1868	1924	1996	2074
Medical Records Technician	1910	1967	2026	2087	2173	2254
Office Administrative Specialist	2000	2060	2122	2186	2278	2364
Office Specialist	1910	1967	2026	2087	2173	2254
Pharmacist Lead Technician	1696	1747	1799	1853	1924	1993
Pharmacist Technician	1586	1634	1683	1733	1792	1850
Public Aid Eligibility Assistant	1696	1747	1799	1853	1924	1993
Radiologic Technologist	1910	1967	2026	2087	2173	2254
Radiologic Technologist Program Coordinator	2000	2060	2122	2186	2278	2364
Ranger	2087	2150	2215	2281	2376	2478
Rehabilitation Counselor	1761	1814	1868	1924	1996	2074
Rehabilitation Counselor Aide I	1910	1967	2026	2087	2173	2254
Rehabilitation Counselor Aide II	2188	2254	2322	2392	2494	2598
Senior Ranger	1829	1884	1941	1999	2086	2161
Site Technician I	2000	2060	2122	2186	2278	2364
Site Technician II	1910	1967	2026	2087	2173	2254
Social Service Community Planner	1910	1967	2026	2087	2173	2254
State Police Crime Information Evaluator	2000	2060	2122	2186	2278	2364
State Police Evidence Technician I	2087	2150	2215	2281	2376	2478
State Police Evidence Technician II	1910	1967	2026	2087	2173	2254
Statistical Research Technician	2000	2060	2122	2186	2278	2364
Veterans Service Officer						

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF ADOPTED AMENDMENTS

Vocational Instructor	2000	2060	2122	2186	2278	2364
STEPS (cont.)						
4	2534	2627	2715	2869	7	
5						
Apparel Dry Goods Specialist III	1984	2049	2117	2230		
Assistant Reimbursement Officer	2243	2323	2406	2540		
Child Development Aide III	1984	2049	2117	2230		
Clinical Laboratory Associate	2243	2323	2406	2540		
Clinical Laboratory Technician I	2463	2551	2649	2796		
Clinical Laboratory Technician II	2715	2818	2927	3097		
Compliance Officer	2243	2323	2406	2540		
Conservation Resource Technician I	2579	2676	2779	2937		
Conservation Resource Technician II	2579	2676	2779	2937		
Construction Supervisor I	2989	3113	3238	3429		
Construction Supervisor II	3934	4113	4284	4551		
Crime Scene Investigator	2715	2818	2927	3097		
Data Processing	2463	2551	2649	2796		
Administrative Specialist	2149	2229	2305	2427		
Data Processing Specialist	1914	1973	2037	2140		
Data Processing Technician	2069	2135	2208	2326		
Trainee	2069	2135	2208	2326		
Dental Assistant	2463	2551	2649	2796		
Dental Hygienist	2069	2135	2208	2326		
Electroencephalograph Technician	2463	2551	2649	2796		
Environmental Equipment Operator I	2715	2818	2927	3097		
Environmental Equipment Operator II	2069	2135	2208	2326		
Environmental Protection Technician I	2243	2323	2406	2540		
Environmental Protection Technician II	1914	1973	2037	2140		
Hearing & Speech Technician I	2149	2229	2305	2427		
Hearing & Speech Technician II	2149	2229	2305	2427		
Historic Site Interpreter	2579	2676	2779	2937		
Historic Site Lead I	2715	2818	2927	3097		
Historic Site Lead II	1778	1827	1864	1981		
Housekeeper II						

## DEPARTMENT OF CENTAL MANAGEMENT SERVICES

## NOTICE OF ADOPTED AMENDMENTS

Inhalation Therapist	2069	2135	2208	2326
Intermittent Unemployment Insurance Technician	11.78	12.14	12.54	13.17
Laboratory Assistant	1780	1841	1890	1988
Laboratory Associate I	2243	2223	2406	2540
Laboratory Associate II	2463	2551	2649	2796
Legal Research Assistant	2579	2676	2779	2937
Licensed Practical Nurse I	2216	2302	2376	2504
Licensed Practical Nurse II	2338	2425	2511	2673
Medical Records Assistant	2149	2229	2315	2427
Medical Records Technician	2345	2433	2515	2656
Office Administrative Specialist	2463	2551	2649	2796
Office Specialist	2345	2433	2515	2656
Pharmacist Lead Technician	2069	2135	2208	2326
Pharmacist Technician	1914	1973	2037	2140
Public Aid Eligibility Assistant	2069	2135	2208	2326
Radiologic Technologist	2345	2433	2515	2656
Radiologic Technologist Program Coordinator	2463	2551	2649	2796
Ranger	2579	2676	2779	2937
Rehabilitation Counselor	2149	2229	2305	2427
Aide I	2345	2433	2515	2656
Aide II	2715	2818	2927	3097
Senior Ranger	2243	2323	2406	2540
Site Technician I	2463	2551	2649	2796
Site Technician II	2345	2433	2515	2656
Social Service Community Planner	2345	2433	2515	2656
State Police Crime Information Evaluator	2345	2433	2515	2656
State Police Evidence Technician I	2463	2551	2649	2796
State Police Evidence Technician II	2579	2676	2779	2937
Statistical Research Technician	2345	2433	2515	2656
Veterans Service Officer	2463	2551	2649	2796
Vocational Instructor	2463	2551	2649	2796

NOTE: Employees subject to the alternative pension formula will be paid at rates that are 3% higher than those stated above.

Maximum Security Institutions Schedule  
Effective July 1, 1999

S T E P S  
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## DEPARTMENT OF CENTAL MANAGEMENT SERVICES

## NOTICE OF ADOPTED AMENDMENTS

Apparel Dry Goods Specialist III	2169	2233	2299	2366	2463	2559	2628
Assistant Reimbursement Officer	1741	1791	1844	1897	1960	2028	
Child Development Aide III	1935	1992	2051	2110	2200	2277	
Clinical Laboratory Associate	1741	1791	1844	1897	1960	2028	
Clinical Laboratory Technician I	1935	1992	2051	2110	2200	2277	
Clinical Laboratory Technician II	2112	2173	2237	2303	2398	2486	
Compliance Officer	2305	2373	2443	2515	2620	2727	
Conservation Resource Technician I	1935	1992	2051	2110	2200	2277	
Conservation Resource Technician II	2201	2266	2333	2401	2499	2604	
Construction Supervisor I	2201	2266	2333	2401	2499	2604	
Construction Supervisor II	2524	2598	2674	2752	2878	3007	
Crime Scene Investigator	3266	3363	3462	3564	3744	3922	
Data Processing Administrative Specialist	2305	2373	2443	2515	2620	2727	
Data Processing Specialist	2112	2173	2237	2303	2398	2486	
Data Processing Technician	1865	1920	1976	2033	2107	2188	
Data Processing Technician Trainee	1865	1735	1785	1836	1897	1957	
Dental Assistant	1798	1851	1904	1960	2033	2104	
Dental Hygienist	2112	2173	2237	2303	2398	2486	
Electroencephalograph Technician	1798	1851	1904	1960	2033	2104	
Environmental Equipment Operator I	2112	2173	2237	2303	2398	2486	
Environmental Equipment Operator II	2305	2373	2443	2515	2620	2727	
Environmental Protection Technician I	1798	1851	1904	1960	2033	2104	
Environmental Protection Technician II	1935	1992	2051	2110	2200	2277	
Hearing & Speech Technician I	1685	1735	1785	1836	1897	1957	
Hearing & Speech Technician II	1865	1920	1976	2033	2107	2188	
Historic Site Interpreter	1865	1920	1976	2033	2107	2188	
Historic Site Lead I	2201	2266	2333	2401	2499	2604	
Historic Site Lead II	2305	2373	2443	2515	2620	2727	
Housekeeper II	1580	1626	1674	1722	1779	1834	
Inhalation Therapist	1798	1851	1904	1960	2033	2104	
Intermittent Unemployment Insurance Technician	10.37	10.68	10.98	11.30	11.67	12.04	
Laboratory Assistant	1580	1626	1674	1722	1779	1834	

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF ADOPTED AMENDMENTS

Laboratory Associate I	1935	1992	2051	2110	2200	2277
Laboratory Associate II	2112	2173	2237	2303	2398	2486
Legal Research Assistant	2201	2266	2333	2401	2499	2604
Licensed Practical Nurse I	1919	1975	2032	2092	2167	2253
Licensed Practical Nurse II	2010	2068	2123	2192	2286	2370
Medical Records Assistant	1865	1920	1976	2033	2107	2188
Medical Records Technician	2019	2078	2138	2201	2290	2373
Office Administrative	2112	2173	2237	2303	2398	2486
Specialist						
Office Specialist	2019	2078	2138	2201	2290	2373
Pharmacist Lead Technician	1798	1851	1904	1960	2033	2107
Pharmacist Technician	1685	1735	1785	1836	1897	1957
Public Aid Eligibility Assistant	1798	1851	1904	1960	2033	2107
Radiologic Technologist	2019	2078	2138	2201	2290	2373
Radiologic Technologist	2112	2173	2237	2303	2398	2486
Program Coordinator						
Ranger	2201	2266	2333	2401	2499	2604
Rehabilitation Counselor	1865	1920	1976	2033	2107	2188
Aide I						
Rehabilitation Counselor	2019	2078	2138	2201	2290	2373
Aide II						
Senior Ranger	2305	2373	2443	2515	2620	2727
Site Technician I	1935	1992	2051	2110	2200	2277
Site Technician II	2112	2173	2237	2303	2398	2486
Social Service Community	2019	2078	2138	2201	2290	2373
Planner						
State Police Crime Information	2019	2078	2138	2201	2290	2373
Evaluator						
State Police Evidence	2112	2173	2237	2303	2398	2486
Technician I						
State Police Evidence	2201	2266	2333	2401	2499	2604
Technician II						
Statistical Research Technician	2019	2078	2138	2201	2290	2373
Veterans Service Officer	2112	2173	2237	2303	2398	2486
Vocational Instructor	2305	2373	2443	2515	2620	2727
S T E P S (cont.)						
		4	5	6	7	
Apparel Dry Goods		2662	2757	2848	3007	
Specialist III						
Assistant Reimbursement		2095	2162	2232	2348	
Officer						
Child Development Aide III		2362	2444	2530	2668	
Clinical Laboratory Associate		2095	2162	2232	2348	
Clinical Laboratory		2362	2444	2530	2668	
Technician I						
Clinical Laboratory		2588	2679	2780	2931	
Technician II						

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF ADOPTED AMENDMENTS

Compliance Officer	2848	2954	3066	3241
Conservation Resource	2362	2444	2530	2668
Technician I	2708	2808	2914	3077
Conservation Resource	2708	2808	2914	3077
Technician II	2708	2808	2914	3077
Construction Supervisor I	3130	3258	3387	3583
Construction Supervisor II	4104	4288	4464	4739
Crime Scene Investigator	2848	2954	3066	3241
Data Processing	2588	2679	2780	2931
Administrative Specialist	2265	2347	2426	2551
Data Processing Specialist	2023	2084	2150	2256
Data Processing Technician	2183	2251	2326	2447
Trainee	2183	2251	2326	2447
Dental Assistant	2588	2679	2780	2931
Dental Hygienist	2183	2251	2326	2447
Electroencephalograph	2588	2679	2780	2931
Technician	2848	2954	3066	3241
Environmental Equipment	2183	2251	2326	2447
Operator I	2362	2444	2530	2668
Environmental Equipment	2023	2084	2150	2256
Operator II	2265	2347	2426	2551
Environmental Protection	2265	2347	2426	2551
Technician I	2708	2808	2914	3077
Environmental Protection	2848	2954	3066	3241
Technician II	1885	1948	1998	2099
Hearing & Speech	2183	2251	2326	2447
Technician I	12.45	12.82	13.23	13.88
Hearing & Speech	1885	1948	1998	2099
Technician II	2362	2444	2530	2668
Historic Site Interpreter	2708	2808	2914	3077
Historic Site Lead I	2848	2954	3066	3241
Historic Site Lead II	1885	1948	1998	2099
Housekeeper II	2183	2251	2326	2447
Inhalation Therapist	1885	1948	1998	2099
Intermittent Unemployment	12.45	12.82	13.23	13.88
Insurance Technician	1885	1948	1998	2099
Laboratory Assistant	2362	2444	2530	2668
Laboratory Associate I	2588	2679	2780	2931
Laboratory Associate II	2708	2808	2914	3077
Legal Research Assistant	2334	2423	2499	2631
Licensed Practical Nurse I	2460	2549	2638	2805
Licensed Practical Nurse II	2265	2347	2426	2551
Medical Records Assistant	2588	2679	2780	2931
Medical Records Technician	2588	2679	2780	2931
Office Administrative	2467	2557	2642	2787
Specialist	2467	2557	2642	2787
Office Specialist	2467	2557	2642	2787



## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF ADOPTED AMENDMENTS

Pharmacist Lead Technician 2183 2251 2126 2447  
 Pharmacist Technician 2023 2084 2150 2256  
 Public Aid Eligibility Assistant 2183 2251 2126 2447  
 Radiologic Technologist 2467 2357 2042 2787  
 Radiologic Technologist 2588 2679 2180 2931  
 Program Coordinator 2708 2808 2914 3077  
 Ranger 2265 2347 2426 2551  
 Rehabilitation Counselor 2467 2557 2642 2787  
 Aide I  
 Rehabilitation Counselor 2848 2954 3066 3241  
 Aide II 2362 2444 2130 2668  
 Senior Ranger 2558 2679 2180 2931  
 Site Technician I 2467 2557 2642 2787  
 Site Technician II  
 Social Service Community Planner  
 State Police Crime Information> Evaluator 2467 2557 2642 2787  
 State Police Evidence Technician I 2588 2679 2180 2931  
 State Police Evidence Technician II 2708 2808 2914 3077  
 Statistical Research Technician 2467 2557 2642 2787  
 Veterans Service Officer 2588 2679 2180 2931  
 Vocational Instructor 2848 2954 3066 3241

## S-W-B-P-S

ic ib ia i 2 3  
 Apparel-Dry-Goods Specialist-III 2239 2366 2435 2535 2634  
 Assistant-Reimbursement Officer 1991 1844 1897 1959 2018 2088  
 Child-Development-Aide-III 1992 2051 2110 2172 2265 2344  
 Clinical-Laboratory Associate 1991 1844 1897 1959 2018 2088  
 Clinical-Laboratory Technician-I 1992 2051 2110 2172 2265 2344  
 Technician-II 2373 2337 2383 2371 2468 2569  
 Clinical-Laboratory Technician-II  
 Compliance-Officer 2373 2443 2515 2589 2698  
 Conservation-Resource Technician-I 1992 2051 2110 2172 2265 2344  
 Conservation-Resource Technician-II 2266 2333 2481 2471 2572 2680  
 Construction-Supervisor-I 2266 2333 2481 2471 2572 2680  
 Construction-Supervisor-II 2598 2674 2752 2834 2962 3095  
 Crime-Scene-Investigator 3363 3462 3564 3669 3855 4039  
 Beta-Processing Administrative-Specialist 2373 2443 2515 2589 2698

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF ADOPTED AMENDMENTS

Beta-Processing-Specialist 2173 2237 2303 2371 2468 2569  
 Beta-Processing-Technician 1920 1976 2033 2093 2169 2252  
 Beta-Processing-Technician 1935 1986 2036 2093 2169 2252  
 Dental-Assistant 1851 1904 1960 2018 2093 2166  
 Dental-Hygienist 2473 2237 2303 2371 2468 2569  
 Electroencephalograph Technician 1851 1904 1960 2018 2093 2166  
 Environmental-Equipment Operator-I 2473 2237 2303 2371 2468 2569  
 Environmental-Equipment Operator-II 2373 2443 2515 2589 2698  
 Environmental-Protection Technician-I 1851 1904 1960 2018 2093 2166  
 Environmental-Protection Technician-II 1992 2051 2110 2172 2265 2344  
 Hearing-&Speech Technician-I 1935 1985 2036 2093 2169 2252  
 Hearing-&Speech Technician-II 1920 1976 2033 2093 2169 2252  
 Historic-Site-Interpreter 1920 1976 2033 2093 2169 2252  
 Historic-Site-Head-I 2366 2333 2481 2471 2572 2680  
 Historic-Site-Head-II 2373 2443 2515 2589 2698  
 Housekeeper-II 1836 1674 1722 1723 1823 1984  
 Inhalation-Therapist 1851 1904 1960 2018 2093 2166  
 Intermittent-Unemployment Insurance-Technician 1851 1850 11-50 11-63 12-62 12-40  
 Laboratory-Assistant 1826 1674 1722 1773 1827 1884  
 Laboratory-Associate-I 1992 2051 2110 2172 2265 2344  
 Laboratory-Associate-II 2373 2237 2303 2371 2468 2569  
 Legal-Research-Assistant 2266 2333 2401 2471 2572 2680  
 Licensed-Practical-Nurse-I 1975 2032 2092 2153 2231 2319  
 Licensed-Practical-Nurse-II 2680 2159 2192 2256 2333 2410  
 Medical-Records-Assistant 1920 1976 2033 2093 2169 2252  
 Medical-Records-Technician 2278 2138 2201 2266 2337 2443  
 Office-Administrative Specialist 2473 2237 2303 2371 2468 2569  
 Office-Specialist 2670 2138 2201 2266 2337 2443  
 Pharmacist-Head-Technician 1851 1904 1960 2018 2093 2166  
 Pharmacist-Technician 1935 1985 2036 2093 2169 2252  
 Public-Aid-Eligibility-Assistant 1851 1904 1960 2018 2093 2166  
 Radiologic-Technologist 2670 2138 2201 2266 2337 2443  
 Radiologic-Technologist Program-Coordinator 2473 2237 2303 2371 2468 2569  
 Ranger Rehabilitation-Counselor 2266 2333 2401 2471 2572 2680  
 Aide-I 1920 1976 2033 2093 2169 2252  
 Rehabilitation-Counselor 2670 2138 2201 2266 2337 2443

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF ADOPTED AMENDMENTS

	S-T-E-P-S-(cont.)			
	4	5	6	7
Aide-ii				
Senior-Ranger	2373	2443	2515	2589
Site-Technician-i	1992	2051	2110	2172
Site-Technician-ii	2173	2237	2303	2371
Social-Service-Community Planner	2078	2138	2201	2266
State-Police-Crime-Information Evaluator	2078	2138	2201	2266
State-Police-Evidence Technician-i	2173	2237	2303	2371
State-Police-Evidence Technician-ii	2266	2333	2401	2471
Statistical-Research-Technician	2078	2138	2201	2266
Veterans-Service-Officer	2173	2237	2303	2371
Vocational-Instructor	2173	2237	2303	2371
S-T-E-P-S-(cont.)				
Apparel-Dry-Goods Specialist-iii		2740	2839	2931
Assistant-Reimbursement Officer		2157	2225	2298
Child-Development-Aide-iii		2431	2516	2604
Clinical-Laboratory-Associate		2157	2225	2298
Clinical-Laboratory Technician-i		2431	2516	2604
Clinical-Laboratory Technician-ii		2665	2758	2861
Compliance-Officer		2931	3042	3157
Conservation-Resource Technician-i		2431	2516	2604
Conservation-Resource Technician-ii		2787	2899	2999
Construction-Supervisor-i		2787	2899	2999
Construction-Supervisor-ii		3223	3354	3487
Crime-Scene-Investigator		4825	4415	4597
Data-Processing Administrative-Specialist		2931	3042	3157
Data-Processing-Specialist		2665	2758	2861
Data-Processing-Technician		2331	2416	2497
Data-Processing-Technician Trainee		2082	2144	2212
Dental-Assistant		2946	3016	3094
Dental-Hygienist		2665	2758	2861
Electroencephalograph Technician		2246	2316	2394
Environmental-Equipment Operator-i		2665	2758	2861

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF ADOPTED AMENDMENTS

Environmental-Equipment Operator-ii	2931	3042	3157	3337
Environmental-Protection Technician-i	2246	2316	2394	2519
Environmental-Protection Technician-ii	2431	2516	2604	2746
Hearing-&Speech Technician-i	2082	2144	2212	2332
Hearing-&Speech Technician-ii	2331	2416	2497	2627
Historic-Site-Interpreter	3331	3416	3497	3627
Historic-Site-Head-ii	2787	2899	2999	3167
Housekeeper-ii	2931	3042	3157	3337
Inhalation-Therapist	1997	1990	2051	2153
Intermittent-Unemployment Insurance-Technician	2246	2316	2394	2519
Laboratory-Assistant	12-81	13-19	13-61	14-29
Laboratory-Associate-i	1937	1990	2051	2153
Laboratory-Associate-ii	2431	2516	2604	2746
Legal-Research-Assistant	2665	2758	2861	3018
Licensed-Practical-Nurse-ii	2787	2899	2999	3167
Licensed-Practical-Nurse-ii	2402	2494	2572	2708
Medical-Records-Assistant	2532	2624	2715	2887
Medical-Records-Technician	2931	3042	3157	3337
Office-Administrative Specialist	2539	2633	2719	2870
Office-Specialist	2665	2758	2861	3018
Pharmacist-Head-Technician	2539	2633	2719	2870
Pharmacist-Technician	2246	2316	2394	2519
Public-Aid-Eligibility-Assistant	2082	2144	2232	2322
Radiologic-Technologist	2246	2316	2394	2519
Radiologic-Technologist Program-Coordinator	2539	2633	2719	2870
Rehabilitation-Counselor	2665	2758	2861	3018
Rehabilitation-Counselor Aide-i	2787	2899	2999	3167
Rehabilitation-Counselor Aide-ii	2331	2416	2497	2627
Senior-Ranger	2539	2633	2719	2870
Site-Technician-i	2931	3042	3157	3337
Site-Technician-ii	2431	2516	2604	2746
Social-Service-Community Planner	2665	2758	2861	3018
State-Police-Crime-Information Evaluator	2539	2633	2719	2870
State-Police-Evidence Technician-i	2539	2633	2719	2870

## DEPARTMENT OF CENTAL MANAGEMENT SERVICES

## NOTICE OF ADOPTED AMENDMENTS

State-Police-Evidence Technician-II 2599 2633 2749 2870  
 Statistical-Research-Technician 2665 2758 2861 3010  
 Veterans-Service-Officer 2665 2758 2861 3010  
 Vocational-Instructor

(Source: Amended at 23 Ill. Reg. 11020 effective  
 AUG 26 1999 )

## DEPARTMENT OF CENTAL MANAGEMENT SERVICES

## NOTICE OF ADOPTED AMENDMENTS

Section 310-TABLE R RC-042 (Residual Maintenance Workers, AFSCME)

Effective: July 1, 1997

	la	lb	la	lb	la	lb	la	lb	la	lb	la	lb	la	lb	la	lb	la	lb	la	lb
Building/Grounds Laborer	1721	1773	1910	1967	2049	2124	236													
Building/Grounds Lead I	1916	1973	2087	2150	2240	2336														
Building/Grounds Lead II	2072	2134	2285	2354	2463	2570														
Building/Grounds	1869	1925	2000	2060	2148	2228														
Maintenance Worker	10.55	10.87	11.71	12.06	12.56	13.02														
Intermittent Laborer (Maintenance)	1903	1960	2087	2150	2240	2336														
Race Track Maintainer I	2145	2209	2285	2354	2463	2570														
Race Track Maintainer II	2174	2239	2285	2354	2463	2570														
Refrigeration & Air																				
Conditioning Repairer																				

Effective: July 1, 1998

	la	lb	la	lb	la	lb	la	lb	la	lb	la	lb	la	lb	la	lb	la	lb	la	lb
Building/Grounds Laborer	1773	1826	1967	2026	2110	2188														
Building/Grounds Lead I	1973	2032	2150	2215	2307	2406														
Building/Grounds Lead II	2134	2198	2354	2425	2537	2647														
Building/Grounds	1925	1983	2060	2122	2212	2295														
Maintenance Worker	10.87	11.19	12.06	12.42	12.93	13.41														
Intermittent Laborer (Maintenance)	1960	2019	2150	2215	2307	2406														
Race Track Maintainer I	2209	2275	2354	2425	2537	2647														
Race Track Maintainer II	2239	2306	2354	2425	2537	2647														
Refrigeration & Air																				
Conditioning Repairer																				

NOTE: Employees subject to the alternative pension formula will be paid at rates that are 3% higher than those stated above.

Full-time employees who are receiving the flat-rate pension formula will receive a one-time lump sum payment of \$565.

Effective: July 1, 1998

## DEPARTMENT OF CENTAL MANAGEMENT SERVICES

## NOTICE OF ADOPTED AMENDMENTS

	S T E P S (cont.)					
	4	5	6	7		
Building/Grounds Laborer	2277	2362	2442	2579		
Building/Grounds Lead I	2504	2598	2698	2851		
Building/Grounds Lead II	2755	2868	2975	3152		
Building/Grounds Maintenance Worker	2391	2477	2572	2715		
Intermittent Laborer (Maintenance)	13.96	14.48	14.97	15.81		
Race Track Maintainer I	2504	2598	2698	2851		
Race Track Maintainer II	2755	2868	2975	3152		
Refrigeration & Air	2755	2868	2975	3152		
Conditioning Repairer						

NOTE: Employees subject to the alternative pension formula will be paid at rates that are 3% higher than those stated above.

Effective: July 1, 1999

	S T E P S					
	1a	1b	1	2	3	
Building/Grounds Laborer	1826	1881	2026	2087	2173	2254
Building/Grounds Lead I	2032	2093	2215	2281	2376	2478
Building/Grounds Lead II	2198	2264	2425	2498	2613	2726
Building/Grounds Maintenance Worker	1983	2042	2122	2186	2278	2364
Intermittent Laborer (Maintenance)	11.19	11.53	12.42	12.79	13.32	13.82
Race Track Maintainer I	2019	2080	2215	2281	2376	2478
Race Track Maintainer II	2275	2343	2425	2498	2613	2726
Refrigeration & Air	2306	2375	2425	2498	2613	2726
Conditioning Repairer						

	S T E P S (cont.)					
	4	5	6	7		
Building/Grounds Laborer	2345	2433	2515	2656		
Building/Grounds Lead I	2579	2676	2779	2937		
Building/Grounds Lead II	2838	2954	3064	3247		
Building/Grounds Maintenance Worker	2463	2551	2649	2796		
Intermittent Laborer (Maintenance)	14.38	14.91	15.42	16.28		
Race Track Maintainer I	2579	2676	2779	2937		
Race Track Maintainer II	2838	2954	3064	3247		
Refrigeration & Air	2838	2954	3064	3247		
Conditioning Repairer						

NOTE: Employees subject to the alternative pension formula will be paid at rates that are 3% higher than those stated above.

Maximum Security Institutions Schedule

## DEPARTMENT OF CENTAL MANAGEMENT SERVICES

## NOTICE OF ADOPTED AMENDMENTS

Effective: July 1, 1999

	S T E P S					
	1a	1b	1	2	3	
Building/Grounds Laborer	1932	1989	2138	2201	2290	2373
Building/Grounds Lead I	2144	2207	2333	2401	2499	2604
Building/Grounds Lead II	2313	2382	2549	2624	2743	2859
Building/Grounds Maintenance Worker	2094	2155	2337	2393	2486	2599
Intermittent Laborer (Maintenance)	11.84	12.19	13.11	13.49	14.04	14.55
Race Track Maintainer I	2131	2194	2333	2401	2499	2604
Race Track Maintainer II	2395	2465	2549	2624	2743	2859
Refrigeration & Air	2427	2498	2549	2624	2743	2859
Conditioning Repairer						

	S T E P S (cont.)					
	4	5	6	7		
Building/Grounds Laborer	2467	2557	2642	2787		
Building/Grounds Lead I	2708	2808	2914	3077		
Building/Grounds Lead II	2975	3094	3207	3396		
Building/Grounds Maintenance Worker	2588	2679	2780	2931		
Intermittent Laborer (Maintenance)	15.12	15.68	16.20	17.09		
Race Track Maintainer I	2708	2808	2914	3077		
Race Track Maintainer II	2975	3094	3207	3396		
Refrigeration & Air	2975	3094	3207	3396		
Conditioning Repairer						

	S T E P S (cont.)					
	4	5	6	7		
Building/Grounds Laborer	1989	2047	2201	2266	2357	2443
Building/Grounds Lead I	2207	2272	2401	2471	2572	2680
Building/Grounds Lead II	2383	2453	2624	2702	2823	2944
Building/Grounds Maintenance Worker	2155	2218	2303	2371	2460	2569
Intermittent Laborer (Maintenance)	12.19	12.55	13.49	13.89	14.45	14.98
Race Track Maintainer I	2194	2258	2401	2471	2572	2680
Race Track Maintainer II	2465	2537	2624	2702	2823	2944
Refrigeration & Air	2498	2571	2624	2702	2823	2944
Conditioning Repairer						

	S T E P S (cont.)					
	4	5	6	7		
Building/Grounds Laborer	2539	2633	2719	2870		
Building/Grounds Lead I	2767	2896	2999	3167		
Building/Grounds Lead II	3062	3186	3302	3496		
Building/Grounds Maintenance Worker	2665	2758	2861	3048		
Intermittent Laborer (Maintenance)	15.56	16.14	16.67	17.59		

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF ADOPTED AMENDMENTS

Race-Track-Maintainer-I 2787 2890 2999 3167  
 Race-Track-Maintainer-II 3062 3106 3362 3496  
 Refrigeration-6-Air 3062 3106 3362 3496  
 --Conditioning-Repairer

(Source 2019) at 23 Ill. Reg. **11020**, effective  
 AUG 20 1999

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF ADOPTED AMENDMENTS

## Section 310-TABLE W RC-062 (Technical Employees, AFSCME)

Effective: July 1, 1997

Salary	Step 1c3/	Step 1b 2/	Step 1a	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7
Grade	1599	1647	1696	1747	1814	1879	1950	2013	2082	2192
62-8	1599	1647	1696	1747	1814	1879	1950	2013	2082	2192
62-9	1660	1710	1761	1814	1882	1955	2025	2101	2173	2287
62-10	1724	1776	1829	1884	1966	2037	2115	2189	2268	2394
62-11	1800	1854	1910	1967	2049	2124	2211	2293	2371	2504
62-12	1885	1942	2000	2060	2148	2228	2321	2405	2497	2636
62-13	1967	2026	2087	2150	2240	2336	2431	2522	2619	2768
62-14	2062	2124	2188	2254	2350	2449	2559	2656	2759	2919
62-15	2153	2218	2285	2354	2463	2570	2675	2784	2888	3060
62-16	2262	2330	2400	2472	2586	2704	2817	2934	3052	3232
62-17	2373	2444	2517	2593	2717	2843	2962	3083	3208	3399
62-18	2501	2576	2653	2733	2866	2999	3135	3264	3394	3596
62-19	2637	2716	2797	2881	3028	3170	3317	3457	3602	3819
62-20	2786	2870	2956	3045	3197	3348	3506	3657	3808	4041
62-21	2942	3030	3121	3215	3380	3543	3708	3877	4038	4289
62-22	3110	3203	3299	3398	3575	3750	3926	4108	4281	4546
62-23	3299	3398	3500	3605	3796	3990	4179	4372		
	4562	4848								
62-24	3511	3616	3724	3836	4040	4250	4455	4661	4871	5177

NOTE: Employees subject to the alternative pension formula will be paid at rates that are 3% higher than those stated above.

Full-time employees who are receiving the flat-rate pension formula will receive a one-time lump sum payment of \$565.

Effective: July 1, 1998

Salary	Step 1c3/	Step 1b 2/	Step 1a	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7
Grade	1647	1696	1747	1799	1868	1935	2009	2073	2144	2258
62-8	1647	1696	1747	1799	1868	1935	2009	2073	2144	2258
62-9	1710	1761	1814	1868	1938	2014	2086	2164	2238	2356
62-10	1776	1829	1884	1941	2025	2098	2178	2255	2336	2466
62-11	1854	1910	1967	2026	2110	2188	2277	2362	2442	2579
62-12	1942	2000	2060	2122	2212	2295	2391	2477	2572	2715
62-13	2026	2087	2150	2215	2307	2406	2504	2598	2698	2851
62-14	2124	2188	2254	2322	2421	2522	2636	2736	2842	3007
62-15	2218	2285	2354	2425	2537	2647	2755	2868	2975	3152
62-16	2330	2400	2472	2546	2664	2785	2902	3022	3144	3329
62-17	2444	2517	2593	2671	2799	2928	3051	3175	3304	3501
62-18	2576	2653	2733	2815	2952	3089	3229	3362	3496	3704
62-19	2716	2797	2881	2967	3119	3265	3417	3561	3710	3934
62-20	2870	2956	3045	3136	3293	3448	3611	3767	3922	4162



## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF ADOPTED AMENDMENTS

Salary Grade	Step 1a	Step 1b	Step 1c	Step 2a	Step 2b	Step 2c	Step 3a	Step 3b	Step 3c	Step 4a	Step 4b	Step 4c	Step 5a	Step 5b	Step 5c	Step 6a	Step 6b	Step 6c	Step 7a	Step 7b	Step 7c
62-21	3030	3121	3215	3311	3481	3649	3819	3993	4159	4418											
62-22	3203	3299	3398	3500	3682	3863	4044	4231	4409	4682											
62-23	3398	3500	3605	3713	3910	4110	4304	4503	4699	4993											
62-24	3616	3724	3836	3951	4161	4378	4589	4801	5017	5332											

NOTE: Employees subject to the alternative pension formula will be paid at rates that are 3% higher than those stated above.

Effective: July 1, 1999

Salary Grade	Step 1a	Step 1b	Step 1c	Step 2a	Step 2b	Step 2c	Step 3a	Step 3b	Step 3c	Step 4a	Step 4b	Step 4c	Step 5a	Step 5b	Step 5c	Step 6a	Step 6b	Step 6c	Step 7a	Step 7b	Step 7c
62-8	1696	1747	1799	1853	1924	1993	2069	2135	2208	2326											
62-9	1761	1814	1868	1924	1996	2074	2149	2229	2305	2428											
62-10	1819	1884	1941	1999	2086	2161	2243	2323	2406	2540											
62-11	1910	1967	2026	2087	2173	2254	2345	2433	2515	2656											
62-12	2000	2060	2122	2186	2278	2366	2463	2551	2649	2796											
62-13	2087	2150	2215	2281	2376	2478	2579	2676	2779	2937											
62-14	2188	2254	2322	2392	2494	2598	2715	2818	2927	3097											
62-15	2285	2354	2425	2498	2613	2726	2838	2954	3064	3247											
62-16	2400	2472	2546	2622	2744	2869	2989	3113	3238	3429											
62-17	2517	2593	2671	2751	2863	3016	3143	3270	3403	3606											
62-18	2653	2733	2815	2899	3041	3182	3326	3463	3601	3815											
62-19	2797	2881	2967	3056	3213	3363	3520	3668	3821	4052											
62-20	2956	3045	3136	3230	3392	3551	3719	3880	4040	4287											
62-21	3121	3215	3311	3410	3585	3758	3934	4113	4284	4551											
62-22	3299	3398	3500	3605	3792	3979	4165	4358	4541	4822											
62-23	3500	3605	3713	3824	4027	4233	4433	4638	4840	5143											
62-24	3724	3836	3951	4070	4286	4509	4727	4945	5168	5492											

NOTE: Employees subject to the alternative pension formula will be paid at rates that are 3% higher than those stated above.

## Maximum Security Institutions Schedule

Effective: July 1, 1999

Salary Grade	Step 1a	Step 1b	Step 1c	Step 2a	Step 2b	Step 2c	Step 3a	Step 3b	Step 3c	Step 4a	Step 4b	Step 4c	Step 5a	Step 5b	Step 5c	Step 6a	Step 6b	Step 6c	Step 7a	Step 7b	Step 7c
62-8	1298	1361	1426	1504	1560	1633	2104	2183	2251	2326	2447										
62-9	1465	1520	1585	1656	1727	1800	2286	2365	2437	2521	2668										
62-10	1635	1695	1755	1828	1901	1977	2477	2562	2644	2730	2889										
62-11	1819	1884	1949	2026	2104	2186	2697	2787	2877	2972	3143										
62-12	2012	2078	2143	2220	2300	2383	2907	2999	3096	3194	3377										
62-13	2201	2266	2333	2401	2489	2580	3115	3213	3316	3424	3619										
62-14	2405	2475	2545	2624	2713	2809	3359	3465	3576	3694	3900										
62-15	2624	2698	2774	2852	2941	3038	3599	3713	3832	3956	4173										
62-16	2854	2933	3014	3100	3191	3287	3859	3979	4104	4234	4468										
62-17	3094	3177	3262	3352	3447	3547	4129	4256	4389	4527	4774										

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF ADOPTED AMENDMENTS

Salary Grade	Step 1a	Step 1b	Step 1c	Step 2a	Step 2b	Step 2c	Step 3a	Step 3b	Step 3c	Step 4a	Step 4b	Step 4c	Step 5a	Step 5b	Step 5c	Step 6a	Step 6b	Step 6c	Step 7a	Step 7b	Step 7c
62-18	2784	2866	2951	3037	3184	3329	3477	3618	3761	3981											
62-19	2932	3019	3108	3199	3361	3515	3677	3830	3987	4225											
62-20	3086	3188	3282	3378	3545	3709	3882	4048	4213	4467											
62-21	3206	3263	3362	3464	3628	3794	3922	4104	4288	4464											
62-22	3449	3551	3657	3765	3957	4150	4341	4540	4729	5018											
62-23	3657	3763	3876	3990	4193	4411	4617	4822	5037	5349											
62-24	3887	4003	4121	4244	4466	4696	4920	5145	5375	5708											

NOTE: Employees subject to the alternative pension formula will be paid at rates that are 3% higher than those stated above.

Effective: July 1, 1999

Salary Grade	Step 1a	Step 1b	Step 1c	Step 2a	Step 2b	Step 2c	Step 3a	Step 3b	Step 3c	Step 4a	Step 4b	Step 4c	Step 5a	Step 5b	Step 5c	Step 6a	Step 6b	Step 6c	Step 7a	Step 7b	Step 7c
62-8	1461	1494	1560	1610	1693	1766	2246	2316	2386	2519											
62-9	1590	1626	1693	1743	1826	1900	2386	2456	2526	2669											
62-10	1720	1757	1826	1876	1960	2034	2526	2596	2666	2819											
62-11	1850	1887	1957	2007	2092	2166	2666	2736	2806	2969											
62-12	1980	2017	2088	2138	2224	2298	2806	2876	2946	3119											
62-13	2110	2147	2219	2269	2356	2430	2946	3016	3086	3269											
62-14	2240	2277	2350	2400	2488	2562	3086	3156	3226	3419											
62-15	2370	2407	2481	2531	2620	2694	3226	3296	3366	3569											
62-16	2500	2537	2612	2662	2752	2826	3366	3436	3506	3719											
62-17	2630	2667	2743	2793	2884	2958	3506	3576	3646	3869											
62-18	2760	2797	2874	2924	3016	3090	3646	3716	3786	4019											
62-19	2890	2927	3004	3054	3147	3221	3786	3856	3926	4169											
62-20	3020	3057	3135	3185	3279	3353	3926	3996	4066	4319											
62-21	3150	3187	3266	3316	3411	3485	4066	4136	4206	4469											
62-22	3280	3317	3397	3447	3543	3617	4206	4276	4346	4619											
62-23	3410	3447	3528	3578	3675	3749	4346	4416	4486	4769											
62-24	3540	3577	3659	3709	3807	3881	4486	4556	4626	4919											

NOTE: Employees subject to the alternative pension formula will be paid at rates that are 3% higher than those stated above.

Effective: July 1, 1999

(Source: Amendment 3, 6, 23 Ill. Reg. 11.020, effective 11/1/99)

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF ADOPTED AMENDMENTS

## Section 310. TABLE X RC-063 (Professional Employees, AFSCME)

Effective: July 1, 1997

Salary Grade	Step 1c	Step 1b	Step 1a	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7
63-13	1967	2026	2087	2150	2240	2336	2431	2522	2619
63-14	2062	2124	2188	2254	2350	2449	2559	2656	2759
63-15	2153	2218	2285	2354	2463	2570	2675	2784	2888
63-16	2262	2330	2400	2472	2586	2704	2817	2934	3052
63-17	2373	2444	2517	2593	2717	2843	2962	3083	3208
63-18	2501	2576	2653	2733	2866	2999	3135	3264	3394
63-19	2637	2716	2797	2881	3028	3170	3317	3457	3602
63-20	2786	2870	2956	3045	3197	3348	3506	3657	3808
63-21	2942	3030	3121	3215	3380	3543	3708	3877	4038
63-22	3110	3203	3299	3398	3575	3750	3926	4108	4281
63-23	3299	3398	3500	3605	3796	3990	4179	4372	4562

NOTE: Employees subject to the alternative pension formula will be paid at rates that are 3% higher than those stated above.

Full-time employees who are receiving the flat-rate pension formula will receive a one-time lump sum payment of \$565.

Effective: July 1, 1998

Salary Grade	Step 1c	Step 1b	Step 1a	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7
63-13	2026	2087	2150	2215	2307	2406	2504	2598	2698
63-14	2124	2188	2254	2322	2421	2522	2636	2736	2842
63-15	2218	2285	2354	2425	2537	2647	2755	2868	2975
63-16	2330	2400	2472	2546	2664	2785	2902	3022	3144
63-17	2444	2517	2593	2671	2799	2928	3051	3175	3304
63-18	2576	2653	2733	2815	2952	3089	3229	3362	3496
63-19	2716	2797	2881	2967	3119	3265	3417	3561	3710
63-20	2870	2956	3045	3136	3293	3448	3611	3767	3922
63-21	3030	3121	3215	3311	3481	3649	3819	3993	4168
63-22	3203	3299	3398	3500	3682	3863	4044	4231	4409
63-23	3398	3500	3605	3713	3910	4110	4304	4503	4699

NOTE: Employees subject to the alternative pension formula will be paid at rates that are 3% higher than those stated above.

Effective: July 1, 1999

Salary Grade	Step 1c	Step 1b	Step 1a	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7
63-13	2026	2087	2150	2215	2307	2406	2504	2598	2698
63-14	2124	2188	2254	2322	2421	2522	2636	2736	2842
63-15	2218	2285	2354	2425	2537	2647	2755	2868	2975
63-16	2330	2400	2472	2546	2664	2785	2902	3022	3144
63-17	2444	2517	2593	2671	2799	2928	3051	3175	3304
63-18	2576	2653	2733	2815	2952	3089	3229	3362	3496
63-19	2716	2797	2881	2967	3119	3265	3417	3561	3710
63-20	2870	2956	3045	3136	3293	3448	3611	3767	3922
63-21	3030	3121	3215	3311	3481	3649	3819	3993	4168
63-22	3203	3299	3398	3500	3682	3863	4044	4231	4409
63-23	3398	3500	3605	3713	3910	4110	4304	4503	4699

NOTE: Employees subject to the alternative pension formula will be paid at rates that are 3% higher than those stated above.

Reg.

Ill.

23

at 11/09/99

(Source: )

11/02/97

effective

## DEPARTMENT OF CENTAL MANAGEMENT SERVICES

## NOTICE OF ADOPTED AMENDMENTS

## Section 310.TABLE Y RC-063 (Educators, AFSOME)

Effective July 1, 1997

4	BA + 24 Hours	2611	2689	2770	2853	2996	3164	3331	3504	3673	
5	MA	2678	2758	2841	2936	3081	3255	3430	3610	3782	
6	MA + 16 Hours	2726	2808	2892	2979	3132	3326	3503	3684	3856	
7	MA + 32 Hours	2811	2895	2982	3071	3243	3421	3600	3780	3953	

S T E P S (cont..)

7

3742  
3863  
3990  
4110  
4191  
4293

## LANE EDUCATIONAL

## LEVEL

Effective July 1, 1998

S T E P S

	1c	1b	1a	1	2	3	4	5	6
1	BA	2501	2576	2653	2733	2861	2987	3123	3286
2	BA + 8 Hours	2569	2646	2725	2807	2936	3067	3228	3394
3	BA + 16 Hours	2628	2707	2788	2872	3010	3164	3331	3491
4	BA + 24 Hours	2689	2770	2853	2939	3086	3259	3431	3609
5	MA	2758	2841	2926	3014	3173	3353	3533	3718
6	MA + 16 Hours	2808	2892	2979	3068	3247	3426	3608	3795
7	MA + 32 Hours	2895	2982	3071	3163	3340	3524	3708	3893

S T E P S (cont..)

7

3729  
3854  
3979  
4110  
4233  
4317  
4422

Effective July 1, 1999

S T E P S

	1c	1b	1a	1	2	3	4	5	6
1	BA	2576	2653	2733	2815	2947	3077	3217	3385
2	BA + 8 Hours	2646	2725	2807	2891	3024	3159	3325	3496
3	BA + 16 Hours	2707	2788	2872	2958	3100	3259	3431	3596

## DEPARTMENT OF CENTAL MANAGEMENT SERVICES

## NOTICE OF ADOPTED AMENDMENTS

4	BA + 24 Hours	2770	2853	2939	3027	3179	3357	3534	3717	3896
5	MA	2841	2926	3014	3104	3268	3454	3639	3830	4012
6	MA + 16 Hours	2892	2979	3068	3160	3344	3529	3716	3909	4091
7	MA + 32 Hours	2982	3071	3163	3258	3440	3630	3819	4010	4194

S T E P S (cont..)

7

3841  
3970  
4098  
4233  
4360  
4447  
4555

Maximum Security Institutions Schedule  
Effective July 1, 1999

## LANE EDUCATIONAL

## LEVEL

S T E P S

	1c	1b	1a	1	2	3	4	5	6
1	BA	2628	2705	2784	2866	2998	3128	3268	3436
2	BA + 8 Hours	2698	2777	2858	2943	3076	3211	3376	3547
3	BA + 16 Hours	2758	2840	2923	3010	3152	3310	3482	3647
4	BA + 24 Hours	2821	2905	2990	3079	3230	3408	3585	3769
5	MA	2892	2978	3065	3156	3320	3505	3690	3881
6	MA + 16 Hours	2944	3030	3120	3213	3396	3580	3768	3960
7	MA + 32 Hours	3023	3123	3215	3309	3492	3681	3871	4061

S T E P S (cont..)

7

3892  
4021  
4150  
4285  
4411  
4498  
4606

-1	BA	2705	2784	2866	2951	3087	3221	3365	3508	3659
-2	BA + 8 Hours	2777	2858	2943	3029	3166	3305	3450	3594	3744
-3	BA + 16 Hours	2840	2923	3010	3152	3310	3482	3647	3811	3974
-4	BA + 24 Hours	2905	2990	3079	3230	3408	3585	3769	3954	4144
-5	MA	2978	3065	3156	3320	3505	3690	3881	4074	4269
-6	MA + 16 Hours	3030	3120	3213	3396	3580	3768	3960	4153	4346
-7	MA + 32 Hours	3123	3215	3309	3492	3681	3871	4061	4246	4431

S T E P S (cont..)

7

## DEPARTMENT OF CENTAL MANAGEMENT SERVICES

## NOTICE OF ADOPTED AMENDMENTS

4000  
4141  
4272  
4411  
4542  
4632  
4743

(Source, Amended at 23 Ill. Reg. 11020, effective  
AUG 26 1999)

## DEPARTMENT OF CENTAL MANAGEMENT SERVICES

## NOTICE OF ADOPTED AMENDMENTS

## Section 310, TABLE Z RC-063 (Physicians, AFSCME)

Effective July 1, 1997

## S T E P S

	1c	1b	1a	1	2	3	4	5	6
Physician	5403	5565	5732	5904	6243	6585	6925	7268	7606
Physician Specialist	5713	5884	6061	6243	6629	7016	7403	7787	8173
Option A Specialist	6234	6421	6614	6812	7219	7628	8038	8446	8855
Option B									
Physician Specialist	6960	7169	7384	7606	8060	8516	8969	9422	9877
Option C									
Physician Specialist	7793	8027	8268	8516	8969	9422	9877	10332	10785
Option D									

NOTE: Employees subject to the alternative pension formula will be paid at rates that are 3% higher than those stated above.

Full-time employees who are receiving the flat-rate pension formula will receive a one-time lump sum payment of \$565.

Effective July 1, 1998

## S T E P S

	1c	1b	1a	1	2	3	4	5	6
Physician	5565	5732	5904	6081	6430	6783	7133	7486	7834
Physician Specialist	5884	6061	6243	6430	6828	7226	7625	8021	8418
Option A									
Physician	6421	6614	6812	7016	7436	7857	8279	8699	9121
Specialist									
Option B									
Physician	7169	7384	7606	7834	8302	8771	9238	9705	10173
Specialist									
Option C									
Physician	8027	8268	8516	8771	9238	9705	10173	10642	11109
Specialist									
Option D									
Physician	8509	8764	9027	9298	9792	10288	10784	11281	11775
Specialist									
Option E									

NOTE: Employees subject to the alternative pension formula will be paid at rates that are 3% higher than those stated above.

Effective July 1, 1999

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF ADOPTED AMENDMENTS

		S T E P S					
	1c	1b	1a	1	2	3	4
Physician	5732	5904	6081	6263	6986	7347	7711
Physician	6061	6243	6430	6623	7033	7443	7854
Specialist							8262
Option A							8671
Physician	6614	6812	7016	7226	7659	8093	8527
Specialist							8960
Option B							9395
Physician	7384	7606	7834	8069	8551	9034	9515
Specialist							9996
Option C							10478
Physician	8268	8516	8771	9034	9515	9996	10478
Specialist							11442
Option D							12128
Physician	8764	9027	9298	9577	10086	10597	11108
Specialist							11619
Option E							12128

NOTE: Employees subject to the alternative pension formula will be paid at rates that are 3% higher than those stated above.

Maximum Security Institutions Schedule  
Effective July 1, 1999

		S T E P S					
	1c	1b	1a	1	2	3	4
Physician	5955	6133	6315	6502	6873	7247	7619
Physician	6294	6482	6674	6873	7295	7718	8141
Specialist							8561
Option A							8983
Physician	6864	7068	7278	7494	7940	8387	8834
Specialist							9280
Option B							9728
Physician	7657	7886	8121	8363	8859	9357	9852
Specialist							10347
Option C							10844
Physician	8568	8823	9086	9357	9852	10347	10844
Specialist							11341
Option D							11837
Physician	9078	9349	9628	9916	10440	10966	11493
Specialist							12019
Option E							12543
Physician	6133	6315	6502	6696	7078	7463	7846
Physician	6482	6674	6873	7078	7513	7947	8384
Specialist							8817
Option A							9250

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF ADOPTED AMENDMENTS

		S T E P S					
	1c	1b	1a	1	2	3	4
Physician	7669	7878	7494	7718	8177	8638	9098
Specialist							9557
Option B							10019
Physician	7886	8121	8363	8612	9124	9636	10146
Specialist							10656
Option C							11165
Physician	8823	9086	9357	9636	10146	10656	11167
Specialist							11688
Option D							12198
Physician	9349	9628	9916	10211	10752	11294	11836
Specialist							12379

(Source: Amended at 23 Ill. Reg. 11.020 effective AUG 20 1999)



## DEPARTMENT OF CHILDREN AND FAMILY SERVICES

## NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Adoption Services for Children for Whom the Department of Children and Family Services is Legally Responsible

- 2) Code Citation: 89 Ill. Adm. Code 309

- |                            |                        |
|----------------------------|------------------------|
| 3) <u>Section Numbers:</u> | <u>Adopted Action:</u> |
| 309.20                     | Amend                  |
| 309.50                     | Amend                  |
| 309.105                    | New                    |
| 309.130                    | Amend                  |
| 309.170                    | Amend                  |
| 309.190                    | Amend                  |

- 4) Statutory Authority: The Children and Family Services Act [20 ILCS 505] and the Adoption Act [750 ILCS 50].

- 5) Effective Date of Rulemaking: September 16, 1999

- 6) Does this rulemaking contain an automatic repeal date? No

- 7) Does this rulemaking contain incorporations by reference? No

- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

- 9) Notice of Proposal Published in Illinois Register: October 30, 1998 at 22 Ill. Reg. 19309

- 10) Has JCAR issued a Statement of Objections to these amendments? No

- 11) Difference between proposal and final version: Other than editing and formatting corrections, no differences are found.

- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes

- 13) Will this rulemaking replace an emergency amendments currently in effect?  
No

- 14) Are there any amendments pending on this Part? No

- 15) Summary and Purpose of Rulemaking: The Department is amending Part 309 as follows:

In Section 309.20, the term "race" has been deleted from the definition of "best interest" and the term "permanence for the child" in the same definition, has been expanded to be consistent with the definition

## DEPARTMENT OF CHILDREN AND FAMILY SERVICES

## NOTICE OF ADOPTED AMENDMENTS

contained in Public Act 90-608.

In Section 309.50, Identification of Children for Potential Adoption Planning, the ground for determining parental unfitness were expanded to reflect the new and revised grounds added by Public Act 90-608.

Section 309.105, Who May Adopt a Child, was added for clarification and is consistent with the provision in the Adoption Act [750 ILCS 50/2].

In Section 309.130, Placement Consideration, the consideration that the prospective adoptive family provide an environment which respects the child's race, ethnicity and cultural heritage has been eliminated on the recommendation of the Federal Office of Civil Rights which felt that it may conflict with Section 1808, Removal of Barriers to Inter-ethnic Adoption provisions of the Small Business Job Protection Act of 1996.

In Section 309.170, Post Adoption Services, the use of the term "notarized consent" was replaced with the term "consent witnessed by an adult third party". Requiring notarized consents placed an undo burden on persons seeking identifying information or contacts among members of the adoption triad.

In Section 309.190, Adoption Registry, the provision that the Adoption Registry must receive a written consent from the adoptive parents, and/or from the adopted child who attained the age of 18 in order to give non-identifying information about the biological parents to adoptive parents or adopted child, has been eliminated to comply with the Adoption Act [750 ILCS 50/18.4].

16) Information and questions regarding these adopted amendments shall be directed to:

Ms. Sue Howell  
Office of Child and Family Policy  
Department of Children and Family Services  
406 E. Monroe, Station #65  
Springfield, Illinois 62703-1498  
(217)524-3715  
TDD: (217)524-3715  
E-Mail: ORPINFO@pop.state.il.us

The full text of the adopted amendments begins on the next page:

## DEPARTMENT OF CHILDREN AND FAMILY SERVICES

## NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES  
CHAPTER III: DEPARTMENT OF CHILDREN AND FAMILY SERVICES  
SUBCHAPTER a: SERVICE DELIVERY

## PART 309

## ADOPTION SERVICES FOR CHILDREN FOR WHOM THE DEPARTMENT OF CHILDREN AND FAMILY SERVICES IS LEGALLY RESPONSIBLE

Section	Purpose
309.10	Definitions
309.20	Recruitment of Adoptive Families
309.30	Adoption Listing Services
309.40	Identification of Children for Potential Adoption Planning
309.50	Legal Risk Placements
309.60	Freeing Children for Adoption
309.70	Termination of Parental Rights
309.80	Putative Father Registry
309.90	Preparation of Children for Adoption
309.100	Who May Adopt a Child
309.105	Preparation and Training of Adoptive Families
309.110	Preparation of the Child's Biological Parents
309.120	Placement Considerations
309.130	Placement of Children with Adoptive Families
309.140	Providing Information to Adoptive Families
309.150	Post-Placement Services
309.160	Post-Adoption Services
309.170	Adoption Assistance
309.180	Adoption Registry

**AUTHORITY:** Implementing and authorized by Sections 4 and 5 of the Children and Family Services Act [20 ILCS 505/4 and 5] and the Adoption Act [750 ILCS 50]; implementing the Adoption Assistance and Child Welfare Act of 1980 (42 USCA 670 et seq.; 45 CFR 1356.40 and 1356.41); and the Adoption and Safe Families Act (P.L. 105-89).

**SOURCE:** Adopted at 22 Ill. Reg. 8769, effective May 15, 1998; amended at 23 Ill. Reg. 11098, effective SEP 16 1999.

## Section 309.20 Definitions

"Adoption assistance" or "adoption subsidy" means financial assistance and other services from the Department which are provided to the adoptive parents after the finalization of an adoption of a child with special needs as defined in Section 309.180.

"Adoption placement" means a living arrangement with a family which is directed toward establishing that family as the child's new legal

## DEPARTMENT OF CHILDREN AND FAMILY SERVICES

## NOTICE OF ADOPTED AMENDMENTS

parents.

"Adoption triad" means the adoptive family, the adoptee (child being adopted) and the biological family.

"Adult" means a person who has attained the age of 18.

"Agency" means a public child welfare agency or a licensed child welfare agency.

"Attachment" means the lasting psychological tie between two people who have significance for each other that endures through space and time and serves to join them emotionally.

"Best interests" as defined in the Juvenile Court Act of 1987 means consideration of the following factors in the context of the child's age and developmental needs:

*the physical safety and welfare of the child, including food, shelter, health, and clothing;*

*the development of the child's identity;*

*the child's background and ties, including familial, racial, cultural, and religious;*

*the child's sense of attachments, including:*

*where the child actually feels love, attachment, and a sense of being valued (as opposed to where adults believe the child should feel such love, attachment, and sense of being valued);*

*the child's sense of security;*

*the child's sense of familiarity;*

*continuity of affection for the child;*

*the least disruptive placement alternative for the child;*

*the child's wishes and long-term goals;*

*the child's community ties, including church, school, and friends;*

*the child's need for permanence which includes the child's need for stability and continuity of relationships with*

## DEPARTMENT OF CHILDREN AND FAMILY SERVICES

## NOTICE OF ADOPTED AMENDMENTS

*parent figures and with siblings and other relatives, permanency-for-the-child;*

*the uniqueness of every family and child;*

*the risks attendant to entering and being in substitute care; and*

*the preferences of the persons available to care for the child. [750 ILCS 405/1-3]*

"Certification training" means training directed toward preparing a family to adopt a child for whom the Department of Children and Family Services is legally responsible and may consist of the following different types of training:

six hours of standardized training for foster care conversion adoptions which means that a foster parent or relative caregiver is adopting a child who has been in his or her care; or

six hour of standardized training and an additional individualized training plan specific to the child's needs for adoptive parents who have not had the child in their care prior to the adoptive placement; or

training specified by private child welfare agencies who meet the standards of the Council on Accreditation of Services for Families and Children.

"Children for whom the Department of Children and Family Services is legally responsible" means children for whom the Department has temporary protective custody, custody or guardianship via court order, or children whose parents have signed an adoptive surrender or voluntary placement agreement with the Department.

"Confidential intermediary" is an individual appointed by the court for the purpose of obtaining from biological parents or siblings of an adopted person information concerning the background of a psychological or genetically-based medical problem experienced or which may be experienced by the adopted person or obtaining assistance in treating such a problem. [750 ILCS 50/18.3a] A confidential intermediary is obliged by law to protect the identity and privacy of the biological family as well as that of the adoptive family and adopted person.

"Consent to adoption by a specified person" is a voluntary act by the parents to relinquish all parental rights of a child to a person or persons specified by the parents in the specific consent document.

## DEPARTMENT OF CHILDREN AND FAMILY SERVICES

## NOTICE OF ADOPTED AMENDMENTS

Consent to adoption by a specified person is further described in Section 309.70 (Freeing Children for Adoption).

"Internal legal screening" means an internal review required by the Department prior to referring a case for termination of parental rights for the purpose of freeing a child for adoption. Depending on local practice, a representative of the State's Attorney's Office may participate in the screening. The purpose of the screening is to determine whether sufficient grounds for termination of parental rights exist and whether adoption is in the best interest of the child. Legal screening is further described in Section 309.80 389-98.

"Legal risk placement" means the placement with a family of a child, not yet legally free for adoption, made in the best interests of the child with the intent that the family will become an adoptive resource for the child should the child become legally free for adoption.

"Parental unfitness" means a finding by the court that a person is unfit to parent a child, without regard to the likelihood that the child will be placed for adoption. The grounds of unfitness are described in Section 309.50 (Identification of Children for Potential Adoption Planning) and in the Adoption Act [750 ILCS 50].

"Persons approved for adoption" means persons who have been licensed as a foster family home in accordance with 89 Ill. Adm. Code 402 (Licensing Standards for Foster Family Homes) or relative caregivers with whom children have been placed in accordance with 89 Ill. Adm. Code 301 (Placement and Visitation Services) and who also meet the certification requirements of Section 309.110(c) of this Part.

"Post-adoption services" are services meant to assist and support the family in maintaining itself in a healthy and nurturing environment and in preserving the adoption. Post-adoption services may include, but are not limited to, social, psychological, psychiatric, health, educational and adoption preservation services. Financial services are available to families and adoptees following the legal consummation of the adoption, when they are eligible for adoption assistance. Post-adoption services also address the needs of adult adoptees and their biological families to seek information and contact, when desired.

"Putative father" means a male, regardless of age, who may be a child's father, but who was not married to the child's mother on or before the date that the child was or is to be born and for whom paternity of the child has not been established in a court proceeding.

"Surrender for adoption" is a voluntary act by the parents to

## DEPARTMENT OF CHILDREN AND FAMILY SERVICES

## NOTICE OF ADOPTED AMENDMENTS

relinquish all parental rights of a child to an agency for the purpose of placing the child for adoption.

"Termination of parental rights" is a legal action of the court or a voluntary action by the parents which relieves the birth parents of a child of all parental responsibility for the child and deprives them of all legal rights with respect to the child.

(Source: Amended at 23 Ill. Reg. 11098-7 effective SEP 16 1999)

## Section 309.50 Identification of Children for Potential Adoption Planning

a) The Department shall immediately consider for all children under its care the possibility of adoption when exploring permanency options, and begin adoption planning when it is in the child's best interests and when either the grounds for parental unfitness as defined in the Adoption Act described in subsection (b) below are present or other additional factors as described in subsection (c) or (d) of this Section are present.

b) When any of the grounds for parental unfitness, as defined in the Adoption Act, or expedited termination of parental rights are identified, the following actions shall be taken:

- 1) the parents shall explore the opportunity to voluntarily surrender their child for adoption or consent to the adoption of their child by specified person as described in Section 309.70(c) or (d); or
  - 2) if the parents are unwilling to voluntarily surrender or consent to the adoption of the child, the case shall be referred for an internal legal screening in accordance with Section 309.80 (Termination of Parental Rights) to determine whether to seek involuntary termination of parental rights.
- c) The following grounds of parental unfitness are defined in Section 1 of the Adoption Act (750 ILCS 50/1) and should be considered when adoption is in the best interests of the child:
- 1) Abandonment of the child. Abandonment of a newborn infant in a hospital. Abandonment of a newborn infant in any setting where the evidence suggests that the parent intended to relinquish his or her parental rights.
  - 2) Failure to maintain a reasonable degree of interest, concern or responsibility as to the child's welfare.
  - 3) Desertion of the child for more than three months next preceding the commencement of the adoption proceeding.
  - 4) Substantial neglect of the child if continuous or repeated. Substantial neglect, if continuous or repeated, of any child residing in the household which resulted in the death of that child.
  - 5) Extreme or repeated cruelty to the child.

## DEPARTMENT OF CHILDREN AND FAMILY SERVICES

## NOTICE OF ADOPTED AMENDMENTS

- 6) Two or more findings of physical abuse to any children under Section 4-8 of the Juvenile Court Act or Section 2-21 of the Juvenile Court Act of 1987 [705 ILCS 405], the most recent of which was determined by the juvenile court hearing the matter to be supported by clear and convincing evidence; a criminal conviction or a finding of not guilty by reason of insanity resulting from the death of any child by physical abuse; or a finding of physical child abuse resulting from the death of any child under Section 4-8 of the Juvenile Court Act or Section 2-21 of the Juvenile Court Act of 1987.
- 7) Failure to protect the child from conditions within his environment injurious to the child's welfare.
- 8) Other neglect of, or misconduct toward, the child; provided that in making a finding of unfitness the court hearing the adoption proceeding shall not be bound by any previous finding, order or judgment affecting or determining the rights of the parents toward the child sought to be adopted in any other proceeding except such proceedings terminating parental rights as shall be had under either the Adoption Act, the Juvenile Court Act or the Juvenile Court Act of 1987.

9) Depravity.

A) Conviction of any one of the following crimes shall create a presumption that a parent is depraved which can be overcome only by clear and convincing evidence:

- i) First degree murder in violation of paragraph 1 or 2 of subsection (a) of Section 9-1 of the Criminal Code of 1961 or conviction of second degree murder in violation of subsection (a) of Section 9-2 of the Criminal Code of 1961 of a parent of the child to be adopted;
- ii) first degree murder or second degree murder of any child in violation of the Criminal Code of 1961;
- iii) attempt or conspiracy to commit first degree murder or second degree murder of any child in violation of the Criminal Code of 1961;
- iv) solicitation to commit murder of any child, solicitation to commit murder of any child for hire, or solicitation to commit second degree murder of any child in violation of the Criminal Code of 1961; or aggravated criminal sexual assault in violation of Section 12-14(b)(1) of the Criminal Code of 1961.
- B) There is a rebuttable presumption that a parent is depraved if the parent has been criminally convicted of at least 3 felonies under the laws of this State or any other state, or under federal law, or the criminal laws of any United States territory, and at least one of these convictions took place within 5 years of the filing of the petition or motion seeking termination of parental rights.



## DEPARTMENT OF CHILDREN AND FAMILY SERVICES

## NOTICE OF ADOPTED AMENDMENTS

C) There is a rebuttable presumption that a parent is deprived if that parent has been criminally convicted of either first or second degree murder of any person as defined in the Criminal Code of 1961 within 10 years of the filing date of the petition of motion to terminate parental rights.

10) Open and notorious adultery or fornication.

11) Conviction of any one of the following crimes--shall create--a presumption--of--unfitness--that--may--be--overcome--only--by--clear--and--convincing--evidence--first--degree--murder--in--violation--of--paragraph--one--or--two--of--subsection--(a)--of--Section--9--1--of--the--Criminal--Code--of--1961--or--conviction--of--second--degree--murder--in--violation--of--subsection--(a)--of--Section--9--2--of--the--Criminal--Code--of--1961--or--a--parent--of--the--child--to--be--adopted--a--criminal--conviction--of--first--degree--murder--or--second--degree--murder--of--any--child--in--violation--of--the--Criminal--Code--of--1961--a--criminal--conviction--of--attempt--or--conspiracy--to--commit--first--degree--murder--or--second--degree--murder--of--any--child--in--violation--of--the--Criminal--Code--of--1961--a--criminal--conviction--of--solicitation--to--commit--murder--of--any--child--in--violation--of--the--Criminal--Code--of--1961--or--any--child--for--hire--or--solicitation--to--commit--second--degree--murder--of--any--child--in--violation--of--the--Criminal--Code--of--1961--or--a--criminal--conviction--of--aggravated--criminal--sexual--assault--in--violation--of--Section--12--14(b)(1)--of--the--Criminal--Code--of--1961--

12) Habitual drunkenness or addiction to drugs, other than those prescribed by a physician, for at least one year immediately prior to the commencement of the unfitness proceeding. There is a rebuttable presumption that a parent is unfit under this subsection (c) with respect to any child to which that parent gives birth where there is a confirmed test result that at birth the child's blood, urine, or meconium contained any amount of a controlled substance as defined in subsection (f) of Section 102 of the Illinois Controlled Substances Act or metabolites of such substances. The presence of which in the newborn infant was not the result of medical treatment administered to the mother or the newborn infant; and the biological mother of this child is the biological mother of at least one other child who was adjudicated a neglected minor under subsection (c) of Section 2-3 of the Juvenile Court Act of 1987.

12) Failure to demonstrate a reasonable degree of interest, concern or responsibility as to the welfare of a newborn child during the first 30 days after its birth.

13) Failure by a parent to make reasonable efforts to correct the conditions that were the basis for the removal of the child from the parent, or to make reasonable progress toward the return of the child to the parent within 9 months after an adjudication of neglected or abused minor or dependent minor under the Juvenile Court Act or the Juvenile Court Act of 1987. If a service plan has been established as required under Section 8.2 of the Abused

## DEPARTMENT OF CHILDREN AND FAMILY SERVICES

## NOTICE OF ADOPTED AMENDMENTS

and Neglected Child Reporting Act to correct the conditions that were the basis for the removal of the child from the parent and if those services were available, then, for purposes of this Part , failure to make reasonable progress toward the return of the child to the parent" includes the parent's failure to substantially fulfill his or her obligations under the service plan and correct the conditions that brought the child into care within 9 months after the adjudication under Section 2-3 or 2-4 of the Juvenile Court Act of 1987.

14) Pursuant to the Juvenile Court Act of 1987, a child has been in foster care for 15 months out of any 22 month period which begins on or after June 30 of 1998 unless the child's parent can prove by a preponderance of the evidence that it is more likely than not that it will be in the best interests of the child to be returned to the parent within 6 months of the date on which a petition for termination of parental rights is filed under the Juvenile Court Act of 1987.

A) The 15 month time limit is tolled during any period for which there is a court finding that the appointed custodian or guardian failed to make reasonable efforts to reunify the child with his or her family, provided that:

i) the finding of no reasonable efforts is made within 60 days of the period when reasonable efforts were not made, or

ii) the parent filed a motion requesting a finding of no reasonable efforts within 60 days of the period when reasonable efforts were not made.

B) For purposes of this ground, the date of entering foster care is the earlier of:

i) the date of a judicial finding at an adjudicatory hearing that the child is an abused, neglected, or dependent minor; or

ii) 60 days after the date on which the child is removed from his or her parent, guardian, or legal custodian.

15) Evidence of intent to forego his or her parental rights, whether or not the child is a ward of the court:

A) as manifested by his or her failure for a period of 12 months:

i) to visit the child,

ii) to communicate with the child or agency, although able to do so and not prevented from doing so by an agency or by court order, or

iii) to maintain contact with or plan for the future of the child, although physically able to do so; or

B) as manifested by the father's failure, where he and the mother of the child were unmarried to each other at the time of the child's birth:

i) to commence legal proceedings to establish his



## DEPARTMENT OF CHILDREN AND FAMILY SERVICES

## NOTICE OF ADOPTED AMENDMENTS

paternity under the Illinois Parentage Act of 1984 [50 ILCS 45] or the law of the jurisdiction of the child's birth within 30 days of being informed, pursuant to Section 12a of the Adoption Act, that he is the father or the likely father of the child, or after being so informed where the child is not yet born, within 30 days of the child's birth, or

- ii) to make a good faith effort to pay a reasonable amount of the expenses related to the birth of the child and to provide a reasonable amount for the financial support of the child, the court to consider in its determination all relevant circumstances, including the financial condition of both parents; provided that the ground for termination provided in this subsection (b) shall only be available where the petition is brought by the mother or the husband of the mother.

- 16) Repeated or continuous failure by the parents, although physically and financially able to provide the child with adequate food, clothing, or shelter.

- 17) Inability to discharge parental responsibilities supported by competent evidence from a psychiatrist, licensed clinical social worker, or clinical psychologist of mental impairment, mental illness or mental retardation as defined in Section 1-116 of the Mental Health and Developmental Disabilities Code [405 ILCS 5/1-116], or developmental disability as defined in Section 1-106 of that Code, and there is sufficient justification to believe that the inability to discharge parental responsibilities shall extend beyond a reasonable time period.

- 18) The parent has been criminally convicted of aggravated battery, heinous battery, or attempted murder of any child a finding of physical abuse of the child under Section 4-8 of the Juvenile Court Act or Section 2-21 of the Juvenile Court Act of 1997 and a criminal conviction of aggravated battery of the child.

- 19) A finding that at birth the child's blood, or urine or meconium contained any amount of a controlled substance as defined in subsection (f) of Section 102 of the Illinois Controlled Substances Act, or a metabolite of a controlled substance with the exception of controlled substances or metabolites of such substances, the presence of which in the newborn infant was the result of medical treatment administered to the mother or the newborn infant, and that the biological mother of this child is the biological mother of at least one other child who was adjudicated a neglected minor under subsection (c) of Section 2-3 of the Juvenile Court Act of 1987, after which the biological mother had the opportunity to enroll in and participate in a clinically appropriate substance abuse drug counseling, treatment, and rehabilitation program.

- 20) The child is in the temporary custody or guardianship of the

## DEPARTMENT OF CHILDREN AND FAMILY SERVICES

## NOTICE OF ADOPTED AMENDMENTS

Department of Children and Family Services, the parent is incarcerated as a result of criminal conviction at the time the petition or motion for termination of parental rights is filed, prior to incarceration the parent had little or no contact with the child or provided little or no support for the child, and the parent's incarceration will prevent the parent from discharging his or her parental responsibilities responsibility for the child for a period in excess of 2 years after the filing of the petition or motion for termination of parental rights.

- 21) The child is in the temporary custody or guardianship of the Department of Children and Family Services, the parent is incarcerated at the time the petition or motion for termination is filed, the parent had been repeatedly incarcerated as a result of criminal convictions, and the parent's repeated incarceration has prevented the parent from discharging his or her parental responsibilities for the child.

- d) Expedited Termination of Parental Rights

At any time between case opening and 30 days prior to an court adjudication adjudicatory hearing, if it becomes known that one or more of the grounds for parental unfitness listed in subsection (d)(1) or (2) exist, the caseworker will seek immediate supervisory consultation to request that a legal screening be convened in accordance with Section 309.80 (Termination of Parental Rights). The purpose of the legal screening will be to determine whether the State's Attorney should be asked to file a petition for expedited termination of parental rights.

- 1) Grounds for which expedited termination of parental rights must be sought are:

- A) extreme or repeated cruelty to the child;
- B) a finding of physical abuse and criminal conviction of aggravated battery of the child;

- C) conviction of: first degree murder in violation of Section 9-1(a)(1) or (2) of the Criminal Code of 1961 or conviction of second degree murder in violation of Section 9-2(a) of the Criminal Code of 1961 of a parent of the child to be adopted; a criminal conviction of first degree murder or second degree murder of any child in violation of the Criminal Code of 1961; a criminal conviction of attempt or conspiracy to commit first degree murder or second degree murder of any child in violation of the Criminal Code of 1961; a criminal conviction of solicitation to commit murder of any child solicitation to commit murder of any child for hire, or solicitation to commit second degree murder of any child in violation of the Criminal Code of 1961; or criminal conviction of aggravated criminal sexual assault in violation of Section 12-14(b)(1) of the Criminal Code of 1961;

- D) abandonment of a newborn infant in a hospital;

## DEPARTMENT OF CHILDREN AND FAMILY SERVICES

## NOTICE OF ADOPTED AMENDMENTS

- E) abandonment of a newborn infant in a setting where the evidence suggests that the parent intended to relinquish parental rights;
- F) incarceration of a parent as a result of a criminal conviction where prior to incarceration the parent had little or no contact with the child or provided little or no support of the child, and the parent's incarceration will prevent the parent from discharging his or her parental responsibilities for the child for a period of two years after the filing of the petition or motion for termination of parental rights.

2) Grounds for which expedited termination of parental rights shall be considered, and for which the casework supervisor must document the reason for not considering expedited termination of parental rights, are:

- A) abandonment of the child (other than newborn infant);
- B) desertion;
- C) inability to discharge parental responsibility due to mental illness, mental impairment or developmental disability;
- D) a finding that at birth the child's blood, or urine or meconium contained any amount of a controlled substance as defined in subsection (f) of Section 102 of the Illinois Controlled Substance Act, or a metabolite of a controlled substance, with the exception of controlled substances substance, or metabolites of such substances, the presence of which in the newborn infant was the result of medical treatment administered to the mother or the newborn infant, and that the biological mother of this child is the biological mother of at least one other child who was adjudicated a neglected minor under subsection (c) of Section 2-3 of the Juvenile Court Act of 1987, after which the biological mother had the opportunity to enroll in and participate in a clinically appropriate substance abuse drug counseling, treatment, and rehabilitation program.

e) Other additional factors to be considered in identifying the possibility of adoption for a child are:

- 1) the parents have ~~parent~~<sup>has</sup> signed or indicated a desire to sign a consent or surrender for adoption;
- 2) the parents have previously signed a consent or surrender for adoption with regards to other children in the past and those children were the subjects of abuse, neglect or dependency petitions and/or parental rights have been terminated with regard to other children in the past, thus indicating that there may be risk of harm to other children in the parents' care; or
- 3) the parents have ~~parent~~<sup>has</sup> made unsatisfactory progress in correcting the conditions which led to the removal of his or her children, resulting in a rating of unsatisfactory progress which may be indicative of parental unfitness and return home to either

## DEPARTMENT OF CHILDREN AND FAMILY SERVICES

## NOTICE OF ADOPTED AMENDMENTS

- f) The child's case shall be assessed to determine if any of the grounds for parental unfitness or other factors listed above exist:
- 1) when the Department first assumes custody of the child;
  - 2) within 30 days after case opening;
  - 3) at each administrative case review; and
  - 4) at no less than quarterly reviews and supervisory meetings.

(Source: Amended at 23 Ill. Reg. 11 098, effective SEP 16 1999)

## Section 309.105 Who May Adopt a Child

a) Any of the following persons, who is under no legal disability (except the minority specified in subsection (a)(2)) and who has resided in the State of Illinois continuously for a period of at least 6 months immediately preceding the commencement of an adoption proceeding, or any member of the armed forces of the United States who has been domiciled in the State of Illinois for 90 days, may institute such proceedings:

- 1) A reputable person of legal age and of either sex, provided that if such person is married and has not been living separate and apart from his or her spouse for 12 months or longer, his or her spouse shall be a party to the adoption proceeding, including a husband or wife desiring to adopt a child of the other spouse, in all of which cases the adoption shall be by both spouses jointly.
- 2) A minor, by leave of court upon good cause shown.
- b) The residence requirement specified in subsection (a) of this Section shall not apply to an adoption of a related child or to an adoption of a child placed by an agency. [750 ILCS 50/2.]

(Source: Amended at 23 Ill. Reg. 11 098, effective SEP 16 1999)

## Section 309.130 Placement Considerations

- a) Consideration of the Child's Needs  
The child's needs and best interests shall be the primary consideration when selecting an adoptive family for a child. The factors to be considered shall include, but are not limited to:
- 1) the wishes of the child under 14 years of age, who demonstrates the maturity and cognitive ability to participate in the decision;
  - 2) the physical, mental, and emotional needs of the child;
  - 3) the child's need for stability and continuity of relationship with parent figures;
  - 4) the interaction between the child and the prospective adoptive parent;

## DEPARTMENT OF CHILDREN AND FAMILY SERVICES

## NOTICE OF ADOPTED AMENDMENTS

- 5) the prospective adoptive parent's ability to meet the physical, mental, and emotional needs of the child;
- 6) the prospective adoptive parents' ability and willingness to support, maintain and continue to be sensitive to the child's significant relationships with the child's extended family, siblings, and any other significant persons who played an important part in the child's life or to whom the child has established significant emotional ties;
- 7) ~~the ability of the prospective adoptive family to provide an environment which would respect the child's racial, ethnic, and cultural heritage.~~
- 7) ~~the results of an assessment of the child's capacity for attachment conducted in accordance with subsection (b)(7) below;~~ and
- 8) ~~the consent of a child 14 years of age or older.~~

## b) Other Placement Considerations

The following factors must also be considered when selecting an adoptive placement for a child:

- 1) Siblings: Sibling groups are to be placed together whenever possible. A decision to place siblings apart shall be based on a carefully documented and reviewed determination that such a separation will be in the best interests of all the siblings involved.
- 2) Foster Parent Preference: In accordance with the Adoption Act, licensed foster parents who have cared for a child for a continuous period of one year or more shall be given preference and first consideration over all other applicants for the adoption of that child in their home when adoption is the permanency goal, the child is legally free for adoption and adoption is in the child's best interests.
- 3) Consideration of Relatives: The Department may consider relatives as a potential adoptive resource for children who do not have an identified adoptive resource and are not going to be adopted by their current caregiver.
- 4) Parenting Capacity of Adoptive Parents: Adoptive parents shall be selected who are likely to retain their parenting capacities or are effectively able to adapt to the needs of the child as they grow, change and develop. Assessments shall include such information as the family's future plans for financial security, child care and supports for child rearing in the event of a significant illness or death of the adoptive parents.
- 5) Religion: The best interests of the child shall be the prime consideration in the placement of a child for adoption. A child shall be placed, whenever possible, with adoptive parents holding the same religious belief as that of the child. (See 750 ILCS 50/15.)
- 6) Communication Needs: In the case of a child who is hearing impaired, the child shall be placed in a home where one of the

## DEPARTMENT OF CHILDREN AND FAMILY SERVICES

## NOTICE OF ADOPTED AMENDMENTS

members is able to communicate in the child's preferred mode of communication; e.g., sign language. In the case of a limited/non-English speaking child, the child shall be placed in a home where at least one person speaks the child's primary language. In an otherwise suitable adoptive home, placement shall not be denied if the prospective adoptive parents have enrolled in a language course to learn the method of communication used by the child prior to finalization of the adoption.

- 7) Level of Attachment: When there is some question about a child's level of or capacity for attachment, the Department shall assess the child's level of or capacity for attachment in making an adoptive placement decision. Such assessments require prior supervisory approval after consultation with Department adoption staff.

(Source: Amended at 23 Ill. Reg. 11098 effective SEP 16 1999)

## Section 309.170 Post-Adoption Services

- a) Purpose of Post-Adoption Services  
Services after adoption of a child are often essential in maintaining the adoptive family unit and empowering families to be advocates in the community for their children's needs. Consequently, the Department will provide post-adoption services in order to reduce the risk of adoption dissolution and to support the goal of permanency in adoption.

## b) Post-Adoption Services

The Department provides the following post-adoption services either directly or through purchase of service providers:

- 1) Adoption preservation services will be provided to families with adopted children under age 18. These services are provided in accordance with 89 Ill. Adm. Code 302 (Services Delivered by the Department) Subpart D: Intensive Family Preservation Services, and through other contracts with service providers.
- 2) Services to families receiving adoption assistance as described in 89 Ill. Adm. Code 302.310 (Adoption Assistance). These services include:
  - A) assisting families to utilize and access services available to them through adoption assistance;
  - B) assisting adoptive parents of children with developmental disabilities to access services available through the Illinois Department of Human Services;
  - C) assisting families who are eligible for conditional adoption assistance to access benefits at such time as their children's condition warrants treatment or professional intervention.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

interests, when all involved parties have provided written notarized consent witnessed by an adult third party for release of such identifying information.

- 4) Information and referral to services available in the community which would be of benefit to the adoption triad. These services would include, but not be limited to: adoption preservation services, therapists sensitive to the issues of adoption, education, advocates to assist families to obtain special services, mental health agencies, support groups, respite care, financial services and professional search groups. The department, through its agent, will maintain a listing of post-adoption services and will make this information available to persons upon request.
- 5) The Department will also provide to any interested adult adoptee, biological parents and siblings information regarding the Illinois Adoption Registry described in Section 309.190 of this Part.

c) Who is Eligible for Post-Adoption Services

- 1) Post-adoption services are available to:
  - a) Families who have adopted children for whom the Department of Children and Family Services had legal responsibility immediately preceding the adoption. These families are eligible for the services described in subsections (b)(1), adoption preservation services, (b)(2), adoption assistance, if they meet eligibility criteria, (b)(3), search and ongoing sharing of information, and (b)(4), information and referral.
  - b) Families who adopt children for whom the Department did not have legal responsibility prior to adoption. These families are eligible for the services described in subsection (b)(1), adoption preservation services, if sufficient financial resources exist after adoption preservation services are provided to children for whom the Department of Children and Family Services had been legally responsible, and subsection (b)(4), information and referral.
  - 3) Biological families of children adopted through the Department. These families are eligible for the services described in subsections (b)(3), search and ongoing sharing of information, and (b)(4) information and referral.

(Source: Amended at 23 Ill. Reg. 11 098 effective SEP 16 1999 )

Section 309.190 Adoption Registry

- a) Effective with the establishment of an Adoption Registry under the auspices of the Department of Public Health, the Department of Children and Family Services shall provide information about Adoption Registry services. The address of the Adoption Registry is as

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

- 3) Search and on-going sharing of information among members of the adoption triad. This service includes:
  - A) providing to adults who had been the legal responsibility of the Department or to biological families of adult adoptees adopted through the Department, when they have requested information in writing:
    - i) non-identifying information regarding their biological background when requested;
    - ii) attempts to locate biological family members for purposes of updating social history and/or medical information, if desired;
    - iii) identifying information upon the successful completion of a search, when notarized consents that have been witnessed by an adult third party from all members of the adoption triad ~~birth-parents--and--adult--adoptees~~ are received. The Department will provide names, addresses, and telephone numbers so that they may arrange a reunion provided that notarized consents that have been witnessed by an adult third party from all birth parents and adult adoptees are received;
    - iv) updated medical and psychosocial information between members of the adoption triad, when notarized consents from all birth parents and adult adoptees that have been witnessed by an adult third party have been received.

- B) acting as or cooperating with confidential intermediaries appointed by the court in accordance with the Adoption Act (750 ILCS 50/18.3a). In addition, the Department will maintain a list of confidential intermediaries who have been trained and certified by the Department.

- C) providing to adoptive parents of minor children, if requested, non-identifying information on a child's background, if this information is available. The Department will also facilitate the exchange of updated medical and psychosocial information between members of the adoption triad and facilitate contact when members of the triad have signed notarized consents that have been witnessed by an adult third party.

- D) facilitating contact between adoptees and their siblings when one or more is still in the Department's care or adopted elsewhere with the notarized consent of the adoptive parents of a minor child that has been witnessed by an adult third party.

- E) facilitating contact, with the notarized consent of the adoptive parents that has been witnessed by an adult third party, between adoptees who are minors and significant relationships in the minor adoptee's past when such contact has been established to be necessary to the adoptee's best



## DEPARTMENT OF CHILDREN AND FAMILY SERVICES

## NOTICE OF ADOPTED AMENDMENTS

## follows:

The Adoption Registry  
 Illinois Department of Public Health  
 605 W. Jefferson  
 Springfield, Illinois 62702-6553  
 (217) 782-6553

- b) The services shall consist of:
- 1) providing written notification to the biological parents who wish to surrender a child for purposes of adoption or wish to consent to the adoption of a child by a specified person which describes the Adoption Registry, the process for recording their names with the Adoption Registry, the procedures for sharing identifying information with the child who was surrendered for adoption or given consent to be adopted by a specified person, and the process for changing the decision to share or refuse to share identifying information;
  - 2) helping the biological parents complete a written statement of intent when a child is voluntarily surrendered for purposes of adoption or given consent to be adopted by a specified person. The statement shall record:
    - A) the biological parents' desire to have identifying information shared with the adopted child at a later date and a method for contacting the biological parents; or
    - B) the biological parents desire not to have identifying information revealed; or
    - C) that no decision has been reached at this time.
  - 3) helping the biological parents record their names with the Adoption Registry for the purpose of sharing identifying information with their biological children who were surrendered for adoption or given consent to be adopted by a specified person;
  - 4) helping the adopted child, when the child has attained the age of 18, but not yet reached his or her 21st birthday, to record his or her name with the Adoption Registry for the purpose of sharing identifying information with his or her biological parents provided the Registry has the written consent of:
    - A) both adoptive parents, or
    - B) a single adoptive parent with a certified copy of the Judgement of Adoption, or
    - C) proof of the death of one adoptive parent and written consent of the surviving adoptive parent, or
    - D) consent of the guardian of the adoptee with a certified copy of the Order of Guardianship;
  - 5) recording specific non-identifying information about the biological parents as required by the Adoption Act (750 ILCS 50/18.4) in the case record. This information shall be given to

## DEPARTMENT OF CHILDREN AND FAMILY SERVICES

## NOTICE OF ADOPTED AMENDMENTS

- the prospective adoptive parents when the child is placed for adoption and to the adopted child, upon request, when the child has attained the age of 18; ~~provided by Registry has received the written consent of those specified above in subsections (b)(4)(A) through (B); if the child has not reached his or her 21st birthday;~~
- 6) providing identifying information to mutually consenting members of the adoption triad when a written request is received by the Department of Children and Family Services. If there is an Information Exchange Authorization form on file with the Adoption Registry, this form also must permit the exchange of such information; and
  - 7) other services as authorized by 89 Ill. Adm. Code 302.403 (Department Service Goals).

(Source: Amended at 23 Ill. Reg. 11098, effective SEP 16 1999 )



## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Administration

2) Code Citation: 59 Ill. Adm. Code 101

3) Section Numbers: Adopted Action:

101.20 Amended

101.30 Amended

101.70 Repealed

101.75 Amended

101.80 Amended

101.90 Amended

101.100 Amended

101.110 Amended

4) Statutory Authority: Implementing Code [405 ILCS 5/2-105], Section 6, 18.1, 20 and 22 of the Department of Mental Health and Developmental Disabilities Act [20 ILCS 1705/6, 18.1, 20 and 22], Section 3.06 of the Specialized Living Center Act [405 ILCS 25/3.06], Section 4A-101 of the Illinois Governmental Ethics Act [5 ILCS 420/4A-101], Section 7 and 8 of the Illinois Grant Funds Recovery Act [30 ILCS 705/7 and 8], and Bogard et al. V. Bradley et al. consent decree [88 C 2414 U.S.D.C., N.D. Ill.] (June 2, 1993) and Section 10-5 of the Illinois Administrative Procedures Act [5 ILCS 100/10-5] and authorized by Section 5-104 of the Mental Health and Developmental Disabilities Code [405 ILCS 5/5-104] and Section 5 of the Department of Mental Health and Developmental Disabilities Act [20 ILCS 1705/5] and Section 10-10 of the Illinois Administrative Procedure Act [5 ILCS 100/10-10].

5) Effective Date of Amendment: August 24, 1999

6) Does this rulemaking contain an automatic repeal date? No

7) Does this amendment contain incorporations by reference? No

8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Notice of Proposal Published in Illinois Register: April 23, 1999, 23 Ill. Reg. 4584

10) Has JCAR Issued a Statement of Objections to this amendment? No

11) Difference between proposal and final version: None

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF ADOPTED AMENDMENTS

13) Will this amendment replace an Emergency amendment currently in effect?  
Yes

14) Are there any amendments pending on this Part: No

15) Summary and Purpose of Amendment: This rulemaking amends many sections of this Part. The amendments to Section 101.110 and the repeal of Section 101.70 are part of the Department's effort to consolidate all the rules related to hearings covered by the Illinois Administrative Procedure Act. The amendments to the other sections are part of the transfer of the rulemaking from the Department of Mental Health and Developmental Disabilities to the Department of Human Services. These amendments are mostly corrections of cites, changing the rules to conform with DHS organization and changes in the style of the rule to conform with the Secretary of State's "Style Manual".

16) Information and questions regarding this adopted amendment shall be directed to:

Ms. Susan Weir, Bureau Chief  
Bureau of Administrative Rules and Procedures  
Department of Human Services  
100 South Grand Avenue East  
3rd Floor, Harris Bldg.  
Springfield, Illinois 62762  
Telephone number: (217) 785-9772

The full text of the adopted amendments begins on the next page:

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF ADOPTED AMENDMENTS

## TITLE 59: MENTAL HEALTH

## CHAPTER I: DEPARTMENT OF HUMAN SERVICES

## PART 101

## ADMINISTRATION

- Section 101.10 Illinois Department of Mental Health and Developmental Disabilities -- Internal Organization (Repealed)
- 101.20 Service recipients activity fund in State-operated mental health and developmental centers **Department-facilities**
- 101.30 Payments to the account of service recipients
- 101.60 Service contracts (Repealed)
- 101.70 Conduct of hearings and appeals (Repealed)
- 101.75 Conduct of hearings and appeals for Bogard et al. v. Bradley et al. consent decree (88 C 2414, U.S.D.C., N.D. IL (June 2, 1993)) class members
- 101.80 Conflict of interest
- 101.90 Specialized living centers
- 101.100 Community mental health and developmental disabilities service provider participation fee trust fund
- 101.110 Hearings and appeals under Sections 7 and 8 of the Illinois Grant Funds Recovery Act [30 ILCS 705/7 and 8]

## APPENDIX A Organization Charts (Repealed)

- ILLUSTRATION A Illinois Department of Mental Health and Developmental Disabilities (Repealed)
- ILLUSTRATION B Associate Director (Repealed)
- ILLUSTRATION C Division of Developmental Disabilities (Repealed)
- ILLUSTRATION D Division of Alcoholism (Repealed)
- ILLUSTRATION E Division of Management Services (Repealed)
- ILLUSTRATION F Division of Community Services and Interagency Affairs (Repealed)
- ILLUSTRATION G Region 1A Office (Repealed)
- ILLUSTRATION H Region 1B Office (Repealed)
- ILLUSTRATION I Region 2 Office (Repealed)
- ILLUSTRATION J Region 2 Developmental Disabilities (Repealed)
- ILLUSTRATION K Region 3A Office (Repealed)
- ILLUSTRATION L Region 3B Office (Repealed)
- ILLUSTRATION M Region 4 Office (Repealed)
- ILLUSTRATION N Region 5 Office (Repealed)

AUTHORITY: Implementing Section 2-105 of the Mental Health and Developmental Disabilities Code [405 ILCS 5/2-105], Sections 6, 18.1, 20 and 22 of the Department of Mental Health and Developmental Disabilities Act [20 ILCS 1705/6, 18.1, 20 and 22], Section 3.06 of the Specialized Living Centers Act [405 ILCS 25/3.06], Section 4A-101 of the Illinois Governmental Ethics Act [5 ILCS 420/4A-101], Sections 7 and 8 of the Illinois Grant Funds Recovery Act [30 ILCS 705/7 and 8] and Bogard et al. v. Bradley et al. consent decree (88 C 2414,

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF ADOPTED AMENDMENTS

U.S.D.C., N.D. IL (June 2, 1993)) and Section 10-5 of the Illinois Administrative Procedure Act [5 ILCS 100/10-5] and authorized by Section 5-104 of the Mental Health and Developmental Disabilities Code [405 ILCS 5/5-104] and Section 5 of the Mental Health and Developmental Disabilities Administrative Act [20 ILCS 1705/5] and Section 10-10 of the Illinois Administrative Procedure Act [5 ILCS 100/10-10].

SOURCE: Effective February 1, 1977, corrected April 1, 1977; amended at 3 Ill. Reg. 50, p. 277, effective December 3, 1979; amended at 4 Ill. Reg. 17, p. 205, effective April 15, 1980; codified at 5 Ill. Reg. 10716; amended at 8 Ill. Reg. 12265, effective July 1, 1984. Section 101.60 recodified to 44 Ill. Adm. Code 1250 at 8 Ill. Reg. 18490; amended at 15 Ill. Reg. 9316, effective June 18, 1991; emergency amendment at 15 Ill. Reg. 14663, effective October 1, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 2137, effective January 24, 1992; amended at 18 Ill. Reg. 4179, effective March 3, 1994; amended at 20 Ill. Reg. 7856, effective June 7, 1996; amended at 20 Ill. Reg. 13599, effective October 10, 1996; transferred from the Department of Mental Health and Developmental Disabilities to the Department of Human Services by P.A. 89-507; emergency amendment at 23 Ill. Reg. 5138, effective April 2, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. **11118**, effective Aug 24 1999.

### Section 101.20 Service recipients activity fund in State-operated mental health and developmental centers **Department-facilities**

In accordance with Section 20 of the Department--of Mental Health and Developmental Disabilities Administrative Act [20 ILCS 1705/20] ~~§§17--Rev. Stat.---1989;--ch.---91-172;--par.---180-207--as-amended-by-P.A.---86-1324;--effective-September-6-1998~~, service recipients activity funds are established in the Department's mental health and developmental centers **Department-facilities**. The facility director/hospital administrator shall be responsible for receipts and expenditures from these funds in accordance with the following provisions:

- a) Receipts to the fund shall include:
  - 1) Profits from the operation of commissary stores, including vending machines;
  - 2) Interest or dividend income derived from deposits in financial institutions or from investments of unrestricted cash funds in federal government securities or investments guaranteed or insured by the federal government for the principal amount of the investment. Unrestricted cash funds means those funds, gifts and donations as provided by Section 22 of the Department--of Mental Health and Developmental Disabilities Administrative Act [20 ILCS 1705/22] ~~§§17--Rev. Stat.---1989;--ch.---91-172;--par.---180-227--as-amended-by-P.A.---86-1324;--effective-September-6-1998~~, which are not restricted in their use for a specific purpose by the donor; and
  - 3) Proceeds from the disposition of recipients' unclaimed personal property, including monetary assets in accordance with 59 Ill.

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF ADOPTED AMENDMENTS

- Adm. Code 110.10 (Disposition of Unclaimed Personal Property).
- b) Expenditures from the fund shall be for the pleasure, comfort, benefit and amusement of recipients except that expenditures from the fund shall be made in accordance with Sections 13 through 133 of the Illinois Procurement Code Purchasing Act [30 ILCS 500] [111-Rev-Stat-19997 ch-137-pars-132.1 through 132.13].

- c) Expenditures from the fund shall not be made for the comfort, pleasure, benefit and amusement of Department employees.

(Source: Amended at 23 Ill. Reg. **1118**, effective  
Aug 24 1999 )

## Section 101.30 Payments to the account of service recipients

- a) All payments made for the services charges for present or former Department recipients in accordance with 59 Ill. Adm. Code 106 (Services Charges) shall be in the form of check, draft or money order made payable to the Illinois Department of Human Services Mental Health and Developmental Disabilities.
- b) Such payments shall be mailed to the Department of Human Services, Bureau of Cash Management, 100 South Grand Avenue East, Springfield IL 62762 Mental-Health-and-Developmental-Disabilities---Department Treasurer-400-Ninth-Street-Springfield-Illinois-62765.
- c) The facility resource unit supervisor shall accept payments for services charges for recipients in the form specified in subsection (a) of this Section. On receipt of such payment, the facility resource unit supervisor shall forward a reminder to the payer that any future payments must be made to the Bureau of Cash Management.
- d) If cash payment is offered for services charges for recipients to a facility resource unit supervisor or Department attorney, the payer shall be instructed to obtain a money order, bank draft or check and forward the same as indicated in subsection (b). The facility resource unit supervisor may accept cash payments when the payer indicates that he or she cannot obtain an instrument of payment due to age, infirmity, or handicapping condition. Such cash payments shall be deposited in the trust fund account of the recipient for whom the payment was made, with the name of the payer entered in the trust fund records, if other than that of the recipient. The payer shall be given a receipt for cash received, a copy of which the facility shall retain. The payer shall be requested to submit future payments in accordance with subsection (b).
- e) Department attorneys may receive checks, drafts, or money orders as payment toward or for a judgment entered by a court for transmittal to the Bureau of Cash Management Department-treasurer as indicated in subsection (b).
- f) Department employees shall not accept payments made or offered to recipients' accounts for purposes or reasons other than those

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF ADOPTED AMENDMENTS

specified in this Section.

(Source: Amended at 23 Ill. Reg. **1118**, effective  
Aug 24 1999 )

## Section 101.70 Conduct of hearings and appeals (Repealed)

## a) Applicability

- 1) This-Section-shall-govern-all-formal-administrative-hearings-for the-Department-except-for-those-hearings-governed-by-the-Department-rules-at-59-ill-Adm-Code-101-75-101-110-103-106-109-112-120-121-122-132-and-135-All-contested-cases-and-licensing-actions-which-are-required-by-law-to-be-preceded-by-a-notice-and-opportunity-to-be-heard-shall-be-governed-by-this-Section-if-a-licensing statute prescribes certain procedures or requirements-for-licensure-hearings-those-procedures-or requirements-shall-be-followed-as-though-they-were-set-forth-in this-Section

- 2) This-Section-shall-also-apply-to-hearings-conducted-by-the-Department-as-required-by-federal-law-in-the-event-there-is-a-conflict-between-federal-regulations-and-this-Section-federal regulations-shall-prevail

- 3) This-Section-shall-not-preclude-any-informal-administrative procedures-established-by-the-Department-to-resolve-licensing issues-or-conflicts-prior-to-initiating-any-action-requiring-a-formal-hearing

## b) Definitions

For-the-purposes-of-this-Section-the-following-terms-are-defined-

"Administrative-law-judge"-The-person-appointed-by-the-Director to-act-as-the-formal-administrative-hearing-The-term-is synonymous-with-any-other-term-used-to-refer-to-the-person conducting-such-hearings

"Appellant"-The-person-or-agency-that-requests-a-hearing

"Contested-case"-shall-have-the-meaning-ascribed-to-it-in-Section 1-30-of-the-1110-Administrative-Procedure-Act-15-1069 106/1-307

"Days"-Working-days-unless-otherwise-specified

"Department"-The-Department-of-Mental-Health-and-Developmental Disabilities-or-successor-agency

"Director"-The-Director-of-the-Department-of-Mental-Health-and-Developmental-Disabilities-or-his-or-her-designee

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF ADOPTED AMENDMENTS

"preponderance of the evidence." "Proof" sufficient to persuade the finder of fact that a proposition is more likely true than not true.

"Substantial evidence." Such evidence as a reasonable person can accept as adequate to support a conclusion.

## c) Representation

An appellant may be represented during the hearing and appeals process by an attorney or other person of his or her choice. The appellant may also represent him or herself.

## d) Notice

1) Notice of a Department decision shall be given according to the requirements of this Section unless the applicable statute requires otherwise. The notice of the decision shall contain:

A) A statement of the right to a hearing;  
B) A statement that if the person desires a hearing, he or she must request a hearing in writing within 30 days after the date of receipt of the notice; with a brief statement of why he or she wants a hearing; and

C) The address where the request should be sent.

2) The notice of a hearing shall contain:

A) A statement of the nature of the hearing;

B) A statement of the time and place of the hearing and, if a pre-hearing conference is scheduled by the Department, the time and place of the conference;

C) A reference to the particular Sections of the statute and rules involved;

D) A statement of the legal authority under which the hearing is held;

E) A concise statement of the matters asserted;

F) A statement of the consequences of failing to respond to the notice;

G) The official file number;

H) The names and addresses of the administrative law judge and the parties involved; and

I) A statement of the right to be represented by the person of the appellant's choice at his or her expense.

3) All notices of hearings shall be in writing and mailed to the parties at least ten days before the date of the hearing.

4) All notices under this Section shall be served either personally or by certified mail on the appellant or his or her agent(s) authorized to receive service of process unless the applicable statute requires a different form of service.

## e) Preliminary review

On receipt of a letter requesting an appeal, the appropriate division of the Department shall conduct an informal review (which may include a meeting with the appellant) of the decision which is the basis for

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF ADOPTED AMENDMENTS

the appeal and, if indicated, reverse or modify its decision or take other action, as necessary. The Department shall send a letter to the appellant informing him or her of the outcome of the informal review.

## f) Qualifications of administrative law judge

Administrative law judges shall meet the qualifications set out in the Department's rules at 2 Ill. Adm. Code 1027.

## g) Disqualifications of administrative law judge

At any time prior to the issuance of the administrative law judge's recommended decision, the appellant may move to disqualify the administrative law judge on the grounds of bias or conflict of interest. Such a motion shall be made in writing to the director with a copy to the administrative law judge setting out the specific instances of bias or conflict of interest. An adverse decision or ruling in and of itself is not grounds for disqualification. The administrative law judge's employment or contract as an administrative law judge by the agency is not in and of itself a conflict of interest. The appeal shall be suspended until the Director rules on the motion. The Director may decline to disqualify the administrative law judge, appoint another administrative law judge to hear the case or decide that the appeal should be granted.

## h) Pre-hearing conferences

1) The administrative law judge may schedule a pre-hearing conference at his or her discretion. This conference shall be held prior to the hearing and shall be for the purpose of considering:

A) The clarification of the issues;

B) The possibility of obtaining admissions of fact or documents that would avoid unnecessary proof or testimony;

C) The possibility of a resolution of the case without a hearing; and

D) Any other matters that may aid in the disposition of the appeal.

2) If the pre-hearing conference results in a resolution of the appeal by agreement of the parties, the administrative law judge shall issue an order reciting the agreement and dismissing the appeal. Copies of the order shall be sent to the Department and the appellant. The appellant's copy shall be sent by certified mail.

## i) Discovery

1) Discovery such as interrogatories and depositions as provided for in the Rules of the Illinois Supreme Court (S.Ct. Rule 1) is at the discretion of the administrative law judge. Requests to take discovery must be made in writing to the administrative law judge with notice to all parties. Discovery may only be taken with the prior permission of the administrative law judge and is subject to the provisions of the Mental Health and Developmental Disabilities Confidentiality Act (740 ILCS 110).

2) Each party shall, on request by another party or the



## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF ADOPTED AMENDMENTS

administrative-law-judge--serve-on-all-other-parties-a-list-of potential-witnesses-who-may-be-called-on-to-testify-at-the hearing--Such-list-shall-include-the-address-or-place-of employment-of-each-witness-and-shall-be-served-within-seven-days after-the-receipt-of-the-request;

- 3) The-applicant-shall-on-request-be-allowed-to-inspect-and-copy any-documents-which-the-Department-intends-to-submit-at-the hearing--Such-request-shall-be-made-at-least-two-days-before-the hearing;

## 4) Depositions

A) The-administrative-law-judge-may-order-the-taking-of depositions-specifying-the-subject-matter-to-be-covered-of a-person-other-than-the-appellant-under-oral-examination-or written-questions-for-use-as-evidence-at-the-hearing provided;

- i) The-administrative-law-judge-has-determined-that-there is-a-need-to-preserve-a-person's-testimony-and-there is-a-substantial-possibility-the-person-will-be unavailable-at-the-time-of-the-hearing-(such-as-when-a witness-has-a-scheduled-vacation-or-an-out-of-town trip)-and

- ii) Such-request-is-made-on-motion-by-a-party-who-gives notice-of-such-motion-to-all-other-parties-to-the issue;

B) The-taking-of-depositions-shall-be-in-accordance-with-the provisions-for-taking-depositions-in-civil-cases-(Rules-203 through-217-of-the-Supreme-Court-(5--Ct.-Rules-203-217)) and-the-order-for-the-taking-of-a-deposition-may-provide that-any-designated-booker-papers-documents-or-tangible objects-that-are-not-privileged-be-produced-at-the-same-time and-place;

C) Any-other-parties-to-the-issue-shall-have-the-right-to confront-and-cross-examine-any-witness-whose-deposition-is taken--The-other-parties-may-waive-such-right-in-writing filed-with-the-administrative-law-judge;

D) Depositions-shall-be-taken-in-the-county-of-residence-or employment-of-the-witness-as-specified-in-Rule-203-of-the Illinois-Supreme-Court-(5--Ct.-Rule-203)-unless-the-witness waives-such-right-in-writing;

## 5) Subpoenas

i) The-administrative-law-judge-may-issue-a-subpoena-to-compel attendance-of-a-witness-or-the-production-of-documents-when-such witness-has-or-such-documents-contain-relevant-evidence-but-the evidence-is-not-being-presented-by-the-party-witness-or-holder of-a-document--A-party-may-also-request-the-administrative-law judge-to-issue-a-subpoena-to-compel-the-attendance-of-a-witness or-the-production-of-documents--The-request-shall-be-either-in writing-or-on-the-record-and-shall

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF ADOPTED AMENDMENTS

- A) Identify-the-witness-or-document-sought;-and  
B) State-the-facts-that-will-be-proven-by-each-witness-or document-sought;

2) The-administrative-law-judge-shall-grant-or-deny-the-request either-in-writing-or-on-the-record--if-the-request-for-subpoena is-granted-the-administrative-law-judge-shall-if-necessary-reschedule-the-hearing-to-a-specific-date--the-request-for subpoena-shall-be-denied-only-if-the-administrative-law-judge finds-that-the-evidence-sought-is-immaterial-irrelevant-or cumulative--if-the-request-for-subpoena-is-denied-the administrative-law-judge-shall-proceed-to-conduct-the-hearing and-the-specific-reasons-for-denial-of-the-request-for-subpoena shall-be-made-part-of-the-record-on-appeal;

- 3) If-a-witness-fails-to-obey-a-subpoena--the-party-seeking enforcement-of-the-subpoena-shall-prepare-an-application-to-the circuit-court-of-the-county-in-which-the-subpoenaed-witness resides-requesting-enforcement-of-the-subpoena-and-shall-present the-application-to-the-administrative-law-judge--if-satisfied that-the-subpoena-was-properly-served-and-that-the-application-is in-proper-form--the-administrative-law-judge-shall-sign-the subpoena-or-the-attorney-for-the-party-seeking-the-subpoena-may then-file-and-prosecute-the-application-to-the-circuit-court--in such-instance-the-matter-shall-be-continued-pending-the-outcome of-enforcement-of-the-subpoena;

## k) Conduct-of-hearings

- i) All-hearings-shall-be-closed-to-the-public  
2) Where-because-of-distances-involved-it-is-impractical-for-the parties-witnesses-or-the-administrative-law-judge-to-appear-in the-same-city-for-a-hearing-the-administrative-law-judge-has-the authority-to-schedule-a-telephone-hearing--Any-party-shall-have a-right-not-to-participate-in-a-telephone-hearing-and-any-party granted-an-in-person-hearing--if-a-hearing-is-to-be-conducted-by telephone--the-notice-shall-so-inform-the-parties-and-include instructions-for-providing-the-agency-with-any-necessary telephone-numbers--The-in-person-presence-of-some-parties-or witnesses-at-the-hearing-shall-not-prevent-the-participation-of other-parties-or-witnesses-by-telephone-A-party-to-a-telephone hearing-must-submit-to-the-administrative-law-judge-at-least-10 days-before-the-date-of-the-scheduled-hearing-any-documents-that are-intended-to-be-introduced-at-the-hearing--Copies-of-the documents-must-also-be-provided-to-any-other-party-prior-to-the date-of-the-scheduled-hearing--All-documents-submitted-to-the administrative-law-judge-will-be-identified-on-the-record;

- 3) The-administrative-law-judge;

- A) Shall-regulate-the-course-of-the-hearing;  
B) May-hold-an-informal-conference-for-the-settlement-or definition-of-the-issue;



DEPARTMENT OF HUMAN SERVICES  
NOTICE OF ADOPTED AMENDMENTS

- 6) Shall dispose of procedural requests;
- 7) May continue the hearing from time to time when necessary;
- 8) May examine witnesses; and
- 9) Shall rule on the relevancy of evidence.
- 4) A party requiring an interpreter must provide an interpreter able and willing to translate verbatim from the witness' language into English or sign language as appropriate; and vice versa. The administrative law judge will administer an interpreter's oath to any interpreter in accordance with Sections 0-1401 and 0-1402 of the Code of Civil Procedure (735 ILCS 5/0-1401 and 0-1402).
- 5) At the hearing, both parties may present written, physical, and oral evidence. The Department shall have the burden of proving that there was substantial evidence of non-compliance with the Department's standards in licensing and revocation hearings. In all other cases, the appellant has the burden of coming forward with the evidence to show that the decision of the Department is incorrect. At the conclusion of the Department's presentation, the appellant may present written, physical, and oral evidence. Written opening or closing arguments, legal memoranda, trial briefs or similar documents shall be permitted on motion granted. This requirement shall not prohibit the administrative law judge and sponsor from requesting that certain issues be briefed by the parties.
- 6) A) The rules of evidence and privileges as applied in the circuit courts of this State shall apply in these hearings. However, evidence not admissible under such rules shall be admitted if it is of a type commonly relied on by reasonably prudent persons in the conduct of their affairs. Irrelevant, immaterial or unduly repetitious evidence shall be excluded.
- B) A party may conduct cross-examination of a witness subject to the evidentiary requirements in this subsection.
- C) Notice may be taken of matters of which the circuit court of this State may take judicial notice. In addition, notice may be taken of generally recognized scientific or technical facts within the Department's specialized knowledge. Parties shall be notified before or during the hearing of the material noticed and shall be given an opportunity to contest the material so noticed.
- 7) The hearing shall be either taped or stenographically recorded. The Department shall retain the tape or a copy of the transcript if the appellant appeals the administrative law judge's decision. A copy of the tape or the transcript shall be provided to the appellant upon request. The Department may charge the appellant a reasonable fee for reproduction of the tape or transcript.
- 1) Failure of the party to appear at the scheduled hearing
- 1) Failure of the appellant to appear at the hearing at the time

DEPARTMENT OF HUMAN SERVICES  
NOTICE OF ADOPTED AMENDMENTS

- that the hearing is scheduled before the administrative law judge will result in a dismissal of the appeal.
- 2) If a party fails to appear and an adverse decision is rendered, that party may, by letter or on the record, request rehearing of the appeal from the administrative law judge.
- 3) Requests to rehear the appeal must be filed no later than 10 days after the hearing or the date that the party first knew or should have known of the scheduled hearing, whichever is later.
- 4) Based on the statements in the request and the facts of the record, the administrative law judge shall:
- A) If the request meets the requirements of subsection (1)(f) of this Section, schedule a hearing with notice to all parties, including a copy of the request to any opposing parties; or
- B) Deny the request if the request fails to meet the requirements of subsection (1)(f) of this Section and issue a written decision setting forth the reasons for the denial. In such cases, if an adverse decision on the merits was issued, a timely appeal to the denial of a timely request for rehearing shall also constitute a timely appeal on the merits of the matter.
- 5) At the start of the hearing, any party may present its objections to the request. The administrative law judge will consider all objections and responses and supporting evidence, if any, and will grant or deny the request for a rehearing at that time based on the preponderance of the evidence. If the administrative law judge denies the request, he or she will terminate the proceedings. If the administrative law judge grants the request, he or she will proceed to conduct a hearing on the merits.
- 6) If there is an objection to the request, the administrative law judge's decision, in writing or on the record, will contain any findings of fact and reasons for the decision to grant or deny the request. All denials of requests for rehearing shall be in writing.
- 7) Administrative law judge's recommended decision
- Within 20 working days after the close of the record, the administrative law judge shall issue his or her recommended decision to the Director. The decision shall contain findings of fact, conclusions of law, the reasons for the decision and a recommended disposition of the case. Copies of the recommended decision shall be sent to both parties. The Department's copy shall be sent to the appropriate Director's staff member. The appellant's copy shall be sent via certified mail.
- 8) The record
- The record for a hearing shall include:
- 1) All notices, motions and rulings;
- 2) All evidence received;
- 3) A statement of matters officially noticed.

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF ADOPTED AMENDMENTS

- 4) Any offers of proof, objections and rulings.
- 5) Any administrative law judge's recommended decision and
- 6) Any ex parte communication prohibited by Section 10-60 of the Illinois Administrative Procedure Act (5-156S-100/10-60);
- Director's decision
- 7) The Director shall be provided with the record. Within 90 days after receipt of the record, the Director shall issue a final decision adopting, modifying or reversing the recommended decision. The decision shall include findings of facts and conclusions of law. The Director shall adopt the recommended decision if he or she determines that the recommended decision was supported by substantial evidence. Copies of the final decision shall be sent to the appellant, the appropriate Director's staff member and the administrative law judge.
- 8) The Director's decision shall constitute a final administrative decision in accordance with Section 3-101 of the Administrative Review Law (135-156S-5/3-101) and shall include a statement to that effect.
- 9) Computation of time
  - 1) The working day on which any notice, decision or order is mailed by the agency shall be excluded in computing time.
  - 2) The working day on which notice is due from a party or action is required by a party shall be included in the computation of time.
  - 3) The date on the document shall be rebuttable evidence that it was mailed on that date.
  - 4) A postmark placed on the envelope by the United States Postal Service shall be conclusive evidence of the date of mailing.
- 10) Ex parte communication
  - 1) The administrative law judge shall not initiate ex parte communications directly or indirectly in any matter in connection with any substantive issue with any interested person or party. If the administrative law judge receives any such ex parte communication, including any document, he or she shall inform the other parties of the substance of any such oral communication and provide copies of any such written communication or documents. The other party shall be given an opportunity to review any such ex parte communication.
  - 2) Nothing shall prevent the administrative law judge from communicating ex parte about routine matters such as requests for continuances or opportunities to inspect the files as long as all parties are informed of the substance of the ex parte communication. The date and type of communication, the persons involved and the results of such routine communications shall be part of the record.
- 11) Withdrawal of appeal
  - 1) The appellant may voluntarily withdraw his or her appeal by signed written statement filed with the administrative law judge or by oral statement on the record at any time before the administrative law

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF ADOPTED AMENDMENTS

- 12) Judge's decision is issued. All parties will receive written notice of the withdrawal.
- 13) Waiver
- 14) Compliance with this Section or any or all provisions of the Illinois Administrative Procedure Act regarding contested cases may be waived by written stipulation of all parties.

(Source: ~~Adopted~~ at 23 Ill. Reg. **11118**, effective ~~10/2/1990~~)

Section 101.75 Conduct of hearings and appeals for Bogard et al. v. Bradley et al. consent decree (88 C 2414, U.S.D.C., N.D. IL) (June 2, 1993) class members

- a) Applicability This Section shall apply to decisions concerning the transfer and discharge from community residential settings of Bogard et al. v. Bradley et al. class members. If there is a conflict between this Section and 59 Ill. Adm. Code 115 and 59 Ill. Adm. Code 120 concerning discharge and transfer that apply to class members, this Section will govern.
- b) Definitions For the purposes of this Section, the following terms are defined:
  - "Administrative law judge (ALJ)." The person appointed by the Secretary Director to preside at the formal administrative hearing and is synonymous with any other term used to refer to the person conducting such hearings.
  - "Agency." An entity that operates a community residential setting.
  - "Appellant." The person who requests a hearing.
  - "Class members." All persons 18 years of age or older with developmental disabilities who, on or after March 23, 1986, resided in an intermediate care or skilled nursing facility in Illinois as a Medicaid recipient for a period of more than 120 days in the aggregate. No person shall be excluded from the class because he or she has a primary diagnosis that is not mental retardation or a related condition, provided that such person also has a condition which meets the definition of developmental disability. However, no person first admitted to a nursing facility on or after April 1, 1994, will be a member of the class.
  - "Community residential setting." One of a variety of living arrangements as long as no more than eight people reside together and the setting is designed to promote independence in daily

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF ADOPTED AMENDMENTS

living, community integration, and economic self-sufficiency. Community residential settings include existing categories such as community integrated living arrangements, community residential alternatives, assisted residential care, supported residential care and adult foster care and may also include newly developed settings which are consistent with these principles.

"Contested case." Has the meaning ascribed to it in Section 1-30 of the IAPA [5 ILCS 100/1-30].

"Days." Working days unless otherwise specified.

"Department." Department of Human Services.

**"Department:--The Department of Mental Health and Developmental Disabilities:--Section 1-105--of--the--Mental Health--and Developmental Disabilities Code--(405-105-5/1-105)";**

"Developmental disability." A disability that is attributable to mental retardation, regardless of the need for specialized services or a related condition. A related condition meets all of the following conditions:

Is attributable to: cerebral palsy, epilepsy or autism, or any other condition (other than mental illness) found to be closely related to mental retardation because this condition results in impairment of general intellectual functioning or adaptive behavior similar to that of individuals with mental retardation and requires treatment or services similar to those required for such individuals;

Is manifested before the person reaches the age of 22;

Is likely to continue indefinitely; and

Results in substantial functional limitations in three or more of the following areas of major life activity: self-care, language, learning, mobility, self-direction, or capacity for independent living.

**"Director:--The Director of the Department of Mental Health and Developmental Disabilities or his or her designee:--Section 1-106--of--the--Mental Health and Developmental Disabilities Code--(405-105-5/1-106)";**

"Discharge." The termination of all services provided to an individual in the community residential setting in which the individual resides.

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF ADOPTED AMENDMENTS

"IAPA." The Illinois Administrative Procedure Act [5 ILCS 100].

"Individual services coordinator." A person employed by a pre-admission screening and annual resident review agent, who is a qualified mental retardation professional, as defined in the Department's rules at 59 Ill. Adm. Code 103, and who acts as an agent of the State in assuring that each class member has an appropriate individualized service plan and that the service plan is implemented.

"Intermediate care facility." Any long-term facility licensed by the Illinois Department of Public Health under the Nursing Home Care Act [210 ILCS 45] as an intermediate care facility.

"Medicaid." The medical benefits program administered by the Illinois Department of Public Aid pursuant to title XIX of the Social Security Act. (42 USC 9-8-6-A-1396a (1998-1999))

"OBRA Management Unit." A group of individuals charged with coordinating implementation activities under the Bogard et al. v. Bradley et al. consent decree. There is one person designated from each of the Department's Offices of Developmental Disabilities and Rehabilitation Services and one person designated from each of the Departments of Departments of Mental Health and Developmental Disabilities, Public Aid, Rehabilitation Services, Aging and Public Health to serve on the Unit.

"Omnibus Budget Reconciliation Acts of 1987 and 1990 (OBRA) (42 USC 9-8-6-1396 (1998-1999))." Federal law requiring that an individual with a mental illness or developmental disability have pre-admission screening before placement in a nursing facility. The law also requires an initial and annual assessment of all nursing facility residents having a mental illness or developmental disability to determine if they require the level of care provided by a nursing facility and whether they require specialized services related to their disability.

"Pre-admission screening." A two-phase process of assessing individuals seeking admission to nursing facilities. The first phase identifies individuals suspected of a possible severe mental illness or developmental disability. The second phase requires an assessment and determination of the individual's need for the level of services provided by a nursing facility and need for specialized services.

"Pre-admission screening/annual resident review (PASARR) agents." Entities selected by the Department to carry out the pre-admission screening and resident review services required by

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF ADOPTED AMENDMENTS

## OBRA.

"Resident review." A two-phase process to assess individuals residing in nursing facilities. The first phase identifies individuals suspected of a possible mental illness or developmental disability. The second phase requires an assessment and determination of the need of the individual for severe mental illness or a developmental disability for the level of services provided by a nursing facility and the need for specialized services.

"Secretary." The Secretary of the Department of Human Services.

"Skilled nursing facility." Any long-term facility licensed by the Illinois Department of Public Health under the Nursing Home Care Act as a skilled nursing facility.

"Specialized services." A continuous program for each individual. These services include aggressive, consistent implementation of a program of specialized and generic training, treatment health services and related services that are directed toward the acquisition of behaviors necessary for the individual to function physically, intellectually, socially, and vocationally with as much self-determination and independence as possible; and the prevention or deceleration of regression. Specialized services does not include services to maintain generally independent individuals who are able to function with little supervision or in the absence of a continuous specialized services program.

"Substantial evidence." Such evidence as a reasonable person can accept as adequate to support a conclusion.

"Transfer." When an individual ceases to be served by one agency and begins to be served by another agency under the same community residential setting without interruption of services.

c) Decisions subject to appeal  
Decisions by agencies to discharge or transfer class members shall be appealable pursuant to this Section, except when the agency ceases to provide a particular type of community residential setting.

d) Representation  
The appellant and the agency may be represented during the hearing and appeals process by an attorney or any other person who the appellant or agency chooses. The appellant may also represent him or herself; the agency may represent itself.

e) Notice  
1) Notice of an agency decision to discharge or transfer a class

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF ADOPTED AMENDMENTS

member shall be given not less than 30 calendar days before the proposed date of the transfer or discharge. The notice of the decision shall contain:

- A) A statement of the reason for the transfer or discharge;
- B) The effective date of the proposed transfer or discharge;
- C) A statement which reads: "You have a right to appeal the agency's decision. If you think you should not have to leave this program, you must ask the agency to reconsider its decision. If the agency does not change its decision, you may file a request for a hearing with the Department of Human Services ~~Mental-Health-and-Developmental--Disabilities~~ **Health-and-Developmental-Disabilities-at-217/782-6666** within 20 days after receiving this notice. You should send a letter saying why you shouldn't leave the program and asking for a hearing to: Bureau of Administrative Hearings, 100 South Grand Avenue East ~~Hearings--and--Appeals--Section~~ **Hearings--and--Appeals--Section**, 403-William-G-Stratton-Building, Springfield IL 62762 62765 . If you request a hearing, you will not be transferred or discharged while the appeal is going on unless the individual services coordinator decides that a delay in transfer or discharge would imminently imperil you or others. If you have any questions, call the Department of Human Services, Bureau of Administrative Hearings. ~~Mental-Health-and-Developmental-Disabilities-at-217/782-6666~~." The name, address and telephone number of the person charged with the responsibility of supervising the transfer or discharge.

2) The notice of the hearing sent by the Department shall contain:

- A) A statement of the nature of the hearing;
  - B) A statement of the time and place of the hearing or if a pre-hearing conference is scheduled by the Department, the time and place of the conference;
  - C) A reference to the particular Sections of the statute and rules involved;
  - D) A statement of the legal authority under which the hearing is held;
  - E) A concise statement of the matters asserted;
  - F) A statement of the consequences of failing to respond to the notice;
  - G) The official file number;
  - H) The names and addresses of the administrative law judge and the parties involved; and
  - I) A statement of the right to be represented by the person of the appellant's choice, at his or her expense.
- 3) All notices under this Section shall be served either personally or by certified mail on the class member and guardian, if any, the class member's individual service coordinator and the agency. If the agency knows that the class member cannot read English, the notice shall be explained to him or her orally in his or her



DEPARTMENT OF HUMAN SERVICES  
NOTICE OF ADOPTED AMENDMENTS

- 4) The Department shall send a notice of hearing and notice of pre-hearing conference within five days after receipt of the request for a hearing. The administrative law judge shall schedule the hearing to be held no later than 10 days from the date of the notice.
- f) Exhaustion of agency remedies  
The class member shall use any agency procedure for appealing the decision before requesting a hearing from the Department.
- g) Transfer or discharge pending a hearing  
No transfer or discharge shall proceed pending the Secretary's **Brecker's** decision, except as provided for in subsection (h) of this Section.
- h) Emergency discharges  
When the physical safety of the class member or others is imminently imperiled and appropriate services are not available at the agency, the class member shall be discharged as soon as arrangements can be made for admission to another facility only if the individual service coordinator, after reviewing the class member's record, gathering the necessary clinical information, and meeting with the class member, determines that a delay in discharge would imminently imperil the physical safety of the class member or others and has documented that in the class member's record. In that case notice shall be given in accordance with subsection (e) of this Section as soon as possible but in no case later than 48 hours after the discharge. The hearing shall be held within the time specified in subsection (e)(4) of this Section at the receiving facility, unless the administrative law judge determines that either of the parties would not be able to completely present its case at the receiving facility within the specified time. The discharging facility shall hold the class member's bed open until the appeal is resolved.
- i) Qualifications of administrative law judge  
Administrative law judges shall meet the qualifications set out in the Department's rules at 89 Ill. Adm. Code 508.2-~~233~~-**Adm-Code-t097**.
- j) Disqualification of administrative law judge  
At any time prior to the issuance of the hearing officer's recommended decision, the appellant or the agency may move to disqualify the administrative law judge on the grounds of bias or conflict of interest. Such a motion shall be made in writing to the Secretary **Brecker**, with a copy to the administrative law judge, setting out the specific instances of bias or conflict of interest. An adverse decision or ruling, in and of itself, is not grounds for disqualification. The administrative law judge's employment or contract as an administrative law judge by the Department is not, in and of itself, a conflict of interest. The appeal shall be suspended until the Secretary **Brecker** rules on the motion. The Secretary **Brecker** may decline to disqualify the administrative law judge, appoint another administrative law judge to hear the case or decide

DEPARTMENT OF HUMAN SERVICES  
NOTICE OF ADOPTED AMENDMENTS

- k) Pre-hearing conferences  
1) The administrative law judge may schedule a pre-hearing conference at his or her discretion. This conference shall be held prior to the hearing and shall be for the purpose of the considering:
  - A) A clarification of the issues;
  - B) The possibility of obtaining admissions of fact and of documents that would avoid unnecessary proof or testimony;
  - C) The possibility of a resolution of the case without a hearing; and
  - D) Any other matters that may aid in the disposition of the appeal.
- 2) The administrative law judge shall invite the class member, the class member's guardian, if any, and a representative of the agency to attend the pre-hearing conference. Other persons may attend at the discretion of the administrative law judge. If the class member's guardian or the agency's representative invite other persons, they shall notify the administrative law judge of the invitee's identity at least 24 hours before the pre-hearing conference.
- 3) If the pre-hearing conference results in a resolution of the appeal by agreement of the parties, the administrative law judge shall issue an order reciting the agreement and dismissing the appeal. Copies of the order shall be sent to the appellant, the agency and the Department's representative from the OBRA Management Unit. The appellant's and agency's copies shall be sent by certified mail.
- 1) Discovery
  - 1) Discovery such as interrogatories and depositions as provided for in the Rules of the Illinois Supreme Court (S. Ct. Rule 1 et seq.) is at the discretion of the administrative law judge. Requests to take discovery shall be made in writing to the administrative law judge with notice to all parties. Discovery may only be taken with the prior permission of the administrative law judge and is subject to the provisions of the Mental Health and Developmental Disabilities Confidentiality Act (740 ILCS 110).
  - 2) Each party shall, on request by another party or the administrative law judge, serve on all other parties a list of potential witnesses whomay be called on to testify at the hearing. Such list shall include the address or place of employment of each witness and shall be served within seven days after the receipt of the request.
  - 3) The appellant shall, on request, be allowed to inspect and copy any documents which the agency intends to submit at the hearing. Such request shall be made at least two days before the hearing.
- m) Conduct of hearings



## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF ADOPTED AMENDMENTS

- 1) All hearings shall be closed to the public. However, individuals who request to attend a hearing may do so with the appellant's consent.
- 2) The administrative law judge:
  - A) Shall regulate the course of the hearing;
  - B) Shall dispose of procedural requests;
  - C) May continue the hearing from time-to-time when necessary;
  - D) May examine witnesses; and
  - E) Shall rule on the relevancy of evidence.
- 3) At the hearing, both parties may present written and oral evidence. The agency shall have the burden of proving that there was substantial evidence to support its decision. After the agency's presentation, the appellant may present written and oral evidence. Written opening or closing arguments, legal memoranda, trial briefs or similar documents shall be permitted on motion granted or if the parties so stipulate. This requirement shall not prohibit the administrative law judge, sua sponte, from requesting that certain issues be briefed by the parties.
- 4) Standards
  - A) A class member may not be transferred unless the transfer is consistent with the class member's service needs.
  - B) A class member may not be discharged unless the discharge is consistent with the class member's service needs or unless the class member does not meet the program's eligibility criteria.
- 5) Evidence
  - A) The rules of evidence and privileges as applied in the circuit courts of this State shall apply in these hearings. However, evidence not admissible under such rules shall be admitted if it is of a type commonly relied on by reasonably prudent persons in the conduct of their affairs. Irrelevant, immaterial or unduly repetitious evidence shall be excluded.
  - B) A party may conduct cross-examination of a witness subject to the evidentiary requirements in subsection (m)(5)(A) of this Section.
  - C) Notice may be taken of matters of which the circuit court of this State may take judicial notice. In addition, notice may be taken of generally recognized scientific or technical facts within the Department's specialized knowledge. Parties shall be notified before or during the hearing of the material noticed and shall be given an opportunity to contest the material so noticed.
  - D) The hearing shall be either taped or stenographically recorded at the hearing officer's discretion. The Department shall retain the tape or a copy of the transcript. If the appellant or the agency appeals the Secretary's Breter's decision, a copy of the tape or the transcript shall be provided to the appellant and the

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF ADOPTED AMENDMENTS

- n) Administrative law judge's recommended decision
 

Within 20 days after the hearing, the administrative law judge shall issue his or her recommended decision to the Secretary Breter. The decision shall contain findings of fact, conclusions of law, the reasons for the decision and a recommended disposition of the case. Copies of the decision shall be sent to both parties by certified mail. A copy shall also be sent to the Department's representative from the OBRA Management Unit.
- o) Post-hearing briefs
  - 1) Both parties shall be given the opportunity to submit a brief to the Secretary Breter in response to the administrative law judge's recommended decision. The appellant or the agency must notify the Secretary Breter within five days after receipt of the recommended decision if the appellant or the agency intends to submit a brief. Briefs shall be submitted no later than 20 days after receipt of the recommended decision, unless the administrative law judge grants a party's request for additional time. Briefs shall be no longer than 10 pages unless the administrative law judge grants a party's request to submit a longer brief. A copy of the brief shall be sent to the other party.
  - 2) If either party submits a brief, the other party may submit a reply brief to the Secretary Breter. The appellant or the agency must notify the Secretary Breter in writing within five days after receipt of the brief if it intends to submit a reply brief. Reply briefs shall be submitted no later than 10 days after receipt of the brief.
- p) The record for a hearing shall include:
  - 1) All notices, motions and rulings;
  - 2) All evidence received and admitted;
  - 3) A statement of matters officially noticed;
  - 4) Any offers of proof, objections and rulings;
  - 5) The administrative law judge's recommended decision; and
  - 6) Any ex parte communication prohibited by Section 10-60 of the IAPA [5 ILCS 100/10-60].
- q) Secretary's Breter's decision
  - 1) The Secretary Breter shall be provided with the record and all briefs, if any. Within 20 days after receipt of the record or the post-hearing brief (if any), whichever is later, the Secretary Breter shall issue a final decision adopting, modifying or reversing the recommended decision. The decision shall include findings of facts and conclusions of law. The Secretary Breter shall adopt the recommended decision if he or she determines that the recommended decision was supported by substantial evidence. Copies of the final decision shall be sent to the appellant, the agency, the Department's representative

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF ADOPTED AMENDMENTS

from the OBRA Management Unit, and the administrative law judge. The appellant's and agency's copies shall be sent by certified mail.

- 2) The Secretary's ~~Director's~~ decision shall constitute a final administrative decision in accordance with the Administrative Review Law [735 ILCS 5/Art. III] and shall include a statement to that effect.

## r) Miscellaneous

- 1) Ex parte communications
  - Unless all parties are given notice and an opportunity to participate, the administrative law judge or the Secretary ~~Breector~~ shall not, after notice of hearings or other on-the-record proceeding, communicate directly or indirectly, in connection with any other issues, with:
    - A) Any party;
    - B) His or her representative; or
    - C) Any other person interested in the outcome of the proceeding.

## 2) Intra-Departmental communications

A Department employee may communicate with other employees of the Department, and the administrative law judge or Secretary ~~Breector~~ may have the aid and advice of one or more personal assistants.

## 3) Waiver

Compliance with this Section or with any or all provisions of the IAPA regarding contested cases [5 ILCS 100/10-25] may be waived by written stipulation of all parties.

(Source: Amended at 23 Ill. Reg. **11118**, effective Aug 24 1999 )

## Section 101.80 Conflict of interest

- a) The Department of Human Services ~~Mental-Health-and-Developmental Disabilities~~ has various statutory responsibilities regarding persons placed in nursing homes and sheltered-care homes which are subject to State ~~state~~ licensure. The Department's statutory duties include monitoring of the levels of care given by the homes and input into the licensing process on such matters as staffing and program. It is, therefore, mandatory that no employee of the Department shall have any connection whatsoever with nursing homes or sheltered care homes which may be considered a conflict of interest or which may give rise to an inference that this connection may in any way influence the Department in carrying out its statutory duties in the selection and monitoring of homes for placement purposes. It is, therefore, Department policy that:

- 1) No employee of the Department whose job classification is at the professional level (salary grade 12 and above) shall serve in any

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF ADOPTED AMENDMENTS

capacity or have any connection as a full-time or part-time employee of any nursing home or sheltered-care home whether or not the Department is presently using that home for placement.

- 2) No employee shall act as a consultant, either paid or unpaid, for any nursing home or sheltered-care home if such consultation enables the home to meet its licensing requirements or to secure Department approval for program or staffing.

- 3) No employee who has any connection whatsoever with placement, follow-up care or program monitoring in nursing homes or sheltered-care homes, shall accept any employment or act as a consultant, either paid or unpaid, in any such facilities.

b) As the Department has an extensive grant and purchase care program which funds community-based agencies, it is Department policy that:

- 1) No employee shall serve on the board of directors of professional advisory committee ~~Board-of-Directors-or-Professional-Advisory Committee~~ either paid or unpaid of any agency or facility which receives funds from the Department by any mechanism, including grants, purchase of care arrangements or contracts. If the regional administrator believes that in an individual case, it would be to the advantage of the Department or in the public interest to have an employee serve in an unpaid position on a board of directors or professional advisory committee ~~Board-of-Directors-or-Professional-Advisory Committee~~, he or she shall document the facts and submit them to the Secretary ~~Director~~ who may make an exception.

- 2) No employee shall hold an economic interest of any character, nature or amount in any nursing home, sheltered-care home or community agency or facility which receives State ~~state~~ funds, whether by grant, purchase of care, contract or any other mechanism. Employees presently holding any such economic interest in such agencies shall promptly divest themselves of their interest. Economic interest for the purpose of this Section ~~rule~~ does not include a contract for teaching services at a public or private college, community junior college or university.

- 3) No employee, the employee's spouse or any minor child of an employee, may own stock, bonds, debentures, shares or any other ownership or debt interest in any nursing home, sheltered-care home or community facility that which receives State ~~state~~ funds, whether by grant, purchase of care, contract or other mechanism.

- 4) No employee's spouse or minor child may hold a position with a nursing home or intermediate care facility or sheltered-care home which receives service recipients placed by the Department if the employee is involved in placement or monitoring.

- c) The Illinois Procurement Code ~~Purchasing Act~~ [30 ILCS 505] ~~Stat--Chapt--1377--Sec-132.1-ek-seq-7~~ ~~provides that no State state~~ ~~employee may have any contract for personal services with any entity which may be satisfied in whole or in part by State state~~ ~~funds. The~~



## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF ADOPTED AMENDMENTS

during the fee year.

"Applicable provider" or "provider." A community agency from which the Department purchases services through payments that which are matched by federal funds under Medicaid and that the Department has determined to be subject to the provider participation fee.

"Days." Calendar days, unless otherwise specified.

"Department." The Department of Human Services **Mental-Health-and-Developmental-Disabilities**.

"Fee." A fee that each applicable provider shall submit to the community mental health and developmental disabilities services provider participation fee trust fund.

"Fee year." The fiscal year beginning July 1 and ending June 30 for which the fee amount applies.

"Fund." The community mental health and developmental disabilities services provider participation fee trust fund comprising the fees submitted by applicable providers, the interest accrued on the fees, and the related federal Medicaid matching funds.

"Medicaid." Medical assistance issued by the Illinois Department of Public Aid, under the provisions of Title XIX of the Social Security Act (42 USCA §5-6-A; 1396) ~~et-seq---~~ **1983**, for eligible recipients, including Aid to the Aged, Blind and Disabled (AABD), Temporary Assistance to Needy Families (TANF) ~~Aid-to-Families-with-Dependent-Children---(AFDC)~~, Medical Assistance No Grant (MANG), and Refugee Repatriate Program (RRP) recipients as well as Title XIX eligible Department of Children and Family Services (DCFS) wards.

"Medicaid payments." Payments made by the Department for services covered under Medicaid for which the State receives federal matching funds.

"Medicaid reimbursed services." A service provided by a provider under an agreement with the Department for which the State receives reimbursement from the Medicaid program and which is subject to the fee process.

"Projected payments." The estimated amount of Medicaid payments to be received by a provider from the Department, per written agreement, for the delivery of Medicaid-reimbursable services

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF ADOPTED AMENDMENTS

during the fee year.

## b) Fees

## 1) Calculation of projected fees

Each year the Department shall calculate a fee which shall be paid by applicable providers. The fee amounts due to the fund by applicable providers shall be based on the projected amount of Medicaid payments to be made by the Department to the provider for the year taking into consideration:

- A) The unit rates for services;
  - B) The units of service billed by the assessed provider for the year prior to the fee year; and
  - C) Year other factors which will influence a change in the number of units of service to be billed during the fee year.
- 2) Differential fee collection schedule
- A) The Department shall establish a differential fee collection schedule for any provider whose projected Medicaid payments during the current fee year exceeds the actual Medicaid payments for the year prior to the fee year by more than 20 percent.

B) The Department shall establish a differential fee collection schedule for such providers which reflects the increasing payments for the current fee year.

C) The differential fee collection schedules for these providers will require lesser fee submittals during the first quarter with gradually increasing fee submittals according to the providers' projected growth in Medicaid receipts.

## 3) Adjustment of inaccurate projections

A) If the Department determines that any fee amount assessed a provider was incorrect, the Department will correct the fee error.

i) The Department will issue a revised fee amount for the quarter.

ii) The Department will adjust the fee amounts due for subsequent quarters of the fee year.

B) The Department shall monitor quarterly the ratio of actual to projected total gross payments for those assessed providers whose estimated increase in gross total payment for the fee year is expected to exceed 20 percent.

i) When the accumulated actual fees due to the fund by the assessed provider differ by more than 10 percent from the accumulated projected fees, the Department shall issue a revised fee amount for the immediate calendar quarter and a revised collection schedule for the remainder of the fee year. When this occurs, the provider shall submit the revised fee amount within 30 days after the date of postmark on the Department's



## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF ADOPTED AMENDMENTS

- ii) written notification of the change.
- ii) When the accumulated actual fees due to the fund by an assessed provider are less than the accumulated projected fee amounts, the Department shall return to the provider the appropriate share of overpaid fees.
- 4) Calculation of provider participation fees  
The Department shall multiply the projected Medicaid payments for services which it has determined to be subject to the provider participation fee for the fee year of individual providers by any amount not greater than 15 percent to determine the fee amount owed to the fund.
- 5) Notification of fee due date  
The Department shall notify each assessed provider, in writing, of the amount of the fee 30 days prior to the required fee due date. The Department may modify the notification timeframes and extend the required fee due date for good cause shown.
- 6) Provider submission of fees  
A) Each provider shall submit the specified fee in equal quarterly amounts on or before the first business day of each calendar quarter.
- B) Due dates for provider submission of quarterly fee payments shall be January 2, April 1, July 1, and October 1, or, if these dates are on weekends or holidays, the first business day immediately following.
- 7) Delayed fee collection schedules  
A) The Secretary Director of the Department is authorized to establish delayed fee collection schedules for providers that are unable to make timely payments due to financial difficulties.
- B) Delayed fee collection schedules shall be granted only under extraordinary circumstances to qualified providers that meet all of the requirements in subsections (b)(7)(C) and (D) below.
- C) Denial of an application to borrow provider participation fee funds from a financial institution or other lending entity.
- D) A signed written agreement with the Department specifying the terms and conditions of the delayed fee collection schedule, which shall contain the following provisions:  
i) Specific reason(s) for the establishment of the delayed fee collection schedule;  
ii) Specific dates on which submission of the fees will be received by the Department and the amount of the fees which will be received on each specified date described;  
iii) The interest that shall be due from the provider as a result of the establishment of the delayed fee collection schedule;

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF ADOPTED AMENDMENTS

- iv) A certification stating that, should the provider entity be sold, the new owners shall be made aware of the liability and shall assume responsibility for repaying the debt to the Department in accordance with the original agreement;
- v) A certification stating that all information forwarded to the Department in support of the establishment of the delayed fee collection schedule request is true and accurate to the best of the signatory's knowledge; and
- vi) Such other terms and conditions that may be required by the Department.
- E) In order to receive consideration for delayed fee collection schedules, providers shall forward their requests in writing (telex) requests are acceptable) to the Department. Requests must be received within five working days after of the date of the Department's notification of the provider participation fee due for the subject quarter. All telex requests must be followed-up with original written requests. All requests shall include:  
i) An explanation of the circumstances creating the need for the delayed fee collection schedule;  
ii) Supportive documentation to substantiate the emergency nature of the request and risk of irreparable harm to the provider's clients;  
iii) Specification of the arrangements being requested by the provider.
- F) The Department shall notify the provider, in writing, of its decision with regard to the request for the establishment of a delayed fee collection schedule. An agreement shall be issued to the provider for all approved requests. The agreement shall be signed by the provider's administrator, owner, chief executive officer, or other authorized representative and must be received by the Department before the first scheduled fee submittal date listed in the delayed fee collection schedule.
- i) The Department shall waive the penalties for delinquent and/or deficient fee submittal upon the approval of the provider's request for establishment of a delayed fee collection schedule. When a provider's request for establishment of a delayed fee collection schedule is approved and the Department receives the signed agreement in accordance with this subsection, such penalties shall be permanently waived for the subject quarter unless the provider reneges on the conditions of the agreement. When the provider reneges on the conditions of the agreement, the agreement shall be considered null and void and such



## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF ADOPTED AMENDMENTS

penalties shall be fully reinstated.

- ii) The delayed fee collection schedule shall include interest at a rate not to exceed the State's borrowing rate. The applicable interest rate shall be identified in the agreement described in subsection (b)(7)(E) above.

- iii) When a provider has requested and received Department approval for a delayed fee collection schedule, the provider shall not receive approval for subsequent delayed fee collection schedules until such time as the terms and conditions of any current delayed fee collection agreement has been satisfied. The waiver of penalties described in subsection (b)(7)(E)(i) above shall not apply to a provider that has not satisfied the terms and conditions of any current delayed fee collection agreement.

- 8) Penalty for delinquent or deficient fees  
Any provider that fails to submit the fee when due, or submits less than the full amount due, shall be assessed a penalty of 10 percent of the delinquency or deficiency for each month, or fraction thereof, computed on the full amount of the delinquency or deficiency, which includes any penalty accrued and not paid, from the time the fee was due.

- 9) Notification to comptroller

- A) The Secretary Director may take action to notify the Office of the Comptroller to collect any amount of monies owed by the Provider to the fund.

- B) The Secretary Director may take action against providers failing to submit any delinquent or deficient fee or penalty including:

- i) Suspension of payments;
- ii) Cancellation of the provider contract or agreement; and
- iii) Refusal to issue, extend, or reinstate the provider contract or agreement.

- c) Local government funds certification  
Providers may use local government funds as a source to meet their obligated, quarterly assessed fee amount in part or in whole.

- 1) If local government funds are used, the provider shall certify the planned spending of these local funds for the specified services in lieu of actual cash payment to the fund by providing a statement from each local government funder stating the intent of that funder to contribute the applicable portion of the fee amount, signed by the Chairperson of the local government funder's taxing authority.

- 2) If the certification process is used, the provider shall submit to the Department, by October 31 of the year following the fee year, an annual audit statement from a certified public

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF ADOPTED AMENDMENTS

accounting firm which demonstrates that the local government funds were spent for the intended service and in the amounts required according to the fee amount.

- 3) Expenditure of funds on Medicaid Services

- A) If the local government funds were not spent for the Medicaid service as required:

- i) The provider shall submit to the State by October 31 of the year following the fee year the amount of the fee which was not spent;
- ii) A fine equal to 25 percent of the amount of the fee not properly covered by the local government funds certification process.

- B) This payment shall be submitted to the State Treasury by October 31 of the year following the fee year.

- d) Deposit of revenue

Deposits to the fund shall consist of:

- 1) Federal revenues received under Title XIX of the Social Security Act as a result of the increased rates paid by the Department to providers of Medicaid-reimbursable services;

- 2) The fees paid by providers of Medicaid-reimbursable services under agreement with the Department which are eligible for reimbursement from Medicaid and which are subject to the fee process;

- 3) The interest earned on the deposits to the fund; and

- 4) The revenues generated from fines and penalties levied by the Department on providers in accordance with subsection (c)(3).

- e) Protection from reduction

- 1) The moneys in the fund shall be exempt from any State budget reduction acts.

- 2) The funds shall not be used to replace any funds otherwise appropriated to the Medicaid program by the Illinois General Assembly.

- f) Administration of contingency reserves

- 1) Moneys paid from the fund shall be used first to:

- A) Pay for the administrative expenses incurred by the Department in performing the duties authorized by Section 480-18.1 of the Department--of Mental Health and Developmental Disabilities Administrative Act [20 ILCS 1705/18.1] (4111-Rev-Stat-1999-ch-91-1/2-par-180-18-17 added by PA-07-13-effective July 24-1991);

- B) Pay any amounts reimbursable to the federal government, which are required to be paid by State warrant.

- 2) Disbursements from the fund shall be by warrants drawn by the State Comptroller upon receipt of vouchers duly executed and certified by the Department.

- 3) The Department shall establish a contingency reserve not to exceed three percent in any fee year of the total amount of the revenues described in subsection (d).

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF ADOPTED AMENDMENTS

## g) Fund expenditures

The Department shall spend 100 percent of the moneys in the fund during the fee year from which the monies were collected to reimburse providers for the delivery of Medicaid services less:

- 1) The administrative expenses incurred in performing the duties authorized by Section 180-18.1 of the Department-of Mental Health and Developmental Disabilities Administrative Act; and
- 2) A maximum of three percent of the total deposits made to the fund in any fee year for the contingency reserve.

## h) Provider assurance

1) In the aggregate, providers under contract with the Department to provide Medicaid reimbursable services that are subject to the fee payment process are entitled to a return of 100 percent of the fee amount paid during any fee year:

- A) Plus the federal funding portion;
- B) Less the administration expenses incurred by the Department in performing the activities authorized; and
- C) Less the allowed three percent contingency reserve.

2) No provider shall receive back less than the amount required as a fee for any given fee year.

## i) Department records

The Department shall maintain records showing the amount of money paid by each provider into the fund and the amount of money that has been paid from the fund to each provider for each fee year.

## j) Annual audit

1) The Department shall conduct an annual audit of the fund to determine that:

- A) Receipts were appropriate and accurate;
- B) Disbursements were appropriate and accurate;
- C) Delayed fee collection schedules were justified and approved;
- D) Interest and penalties were properly calculated and imposed;
- E) Local government funds were properly certified;
- F) Contingency reserves were accurately calculated;
- G) Records were appropriate, complete and correct;
- 2) Any errors or deficiencies identified as a result of such audit shall be corrected on a timely basis.

## k) Fee correction and recovery

If the Department's annual audit identifies erroneous fee or reimbursable payment amounts, then it shall:

- 1) Correct the fee payment amount and any related fine and notify the provider;
- 2) Correct the reimbursable payment amount to the provider; or
- 3) Take the action necessary to recover the required fee or reimbursed payment amount from the provider.

## l) Applicability of provider participation fees

1) The Department shall determine which services and which providers will be subject to the provider participation fees.

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF ADOPTED AMENDMENTS

- 2) The Department may choose to terminate or revise its policies concerning the computation and/or collection of provider participation fees if laws or regulations are implemented affecting state financing of Medicaid services with mandatory provider participation fees.
- 3) If the Department terminates the collection of provider participation fees and a positive balance remains in the fund, the Department shall expend the balance as follows:
  - A) Refund to each provider any portion of the annual fees the provider had submitted, but for which the provider had not yet been reimbursed.
  - B) Expend whatever is required for any outstanding costs related to the administration of the provider participation fee initiative or to its termination.
  - C) Distribute any remaining balance among contributing providers proportionally to each provider's contributions to the fund during the 12-month period prior to termination.

m) Appeals procedure

- 1) Appealable decisions - A provider may request a hearing on the following issues:
  - A) The initial assessment or change in the amount of the required payment;
  - B) An audit finding that a provider is required to reimburse the Department for a fee or payment.

2) Notice of appeal rights - The Department shall inform the provider of the right to appeal and the appeal procedure whenever the provider is notified of the initial assessment or change in the amount of the required payment, or of an audit finding that a provider is required to reimburse the Department for a fee or payment.

3) Request for hearing - A provider may appeal the Department's decision by requesting a hearing in writing within 10 days after receipt of the decision. The request shall be sent to:

Bureau of Administrative Hearings  
 Department of Human Services  
 100 South Grand Avenue East  
 Hearing-and-Appeals-Section  
 Department-of-Mental-Health-and-Developmental-Disabilities  
 401-South-Spring-Street  
 Springfield IL 62762 62765

4) Stay of proceedings - The request for an appeal shall stay any proceedings or decision taken concerning the provider until the resolution of the appeal.

5) Upon request of the provider at any time prior to the scheduled hearing, the provider may request an informal conference with the

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF ADOPTED AMENDMENTS

Division of Disability and Behavioral Health Administrative Services to determine the facts and issues and to resolve any conflicts as amicably as possible.

6) Hearing officer - The hearing shall be conducted by a hearing officer appointed by the Secretary ~~Director~~.

7) Scheduling and notice of hearings - Within 60 days after the receipt after the appeal, the hearing officer shall schedule a hearing, to be held in the Department's central offices or a place agreed to by the hearing officer, the Department staff involved and the provider. The hearing officer shall send written notice of the hearing to the provider via certified mail. The notice shall contain:

A) A statement of the nature of the hearing;  
B) A statement of the time and place of the hearing;  
C) A statement of the right to be represented by an attorney at the provider's expense.

8) Continuances - The hearing officer may, upon good cause shown, grant a continuance requested by the provider.

9) Conduct of hearings

A) The hearing officer shall regulate the course of the hearings; hold informal conferences for the purpose of resolving the case; dispose of procedural issues; continue the hearing from time to time when necessary; examine witnesses and rule upon the relevancy of evidence.

B) At the hearing, the provider and the Department may present written and oral evidence. The Department shall have the burden of proving by substantial evidence that the decision was made in accordance with the statutes and this Section. Upon conclusion of the Department's presentation, the provider may present written and oral evidence.

C) The common law rules of evidence shall not be enforced in the hearing. The hearing officer shall conduct the hearing in a manner that allows participants to present their evidence fully and freely. Either party may ask questions of each other or any witness, and the hearing officer may ask questions of either party or any witness. Questions impeaching the witness' character or credentials shall be improper.

D) The hearing shall be taped or stenographically recorded. The tape or a copy of the transcript shall be retained by the Department. If the provider appeals the hearing officer's decision, a copy of the record shall be provided to the provider upon request.

10) Standard of review - In all appeals, the hearing officer shall decide whether there was substantial evidence showing that the Department's decision was made in accordance with statute and this Section.

11) Decision - Within 10 working days after the hearing, the hearing

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF ADOPTED AMENDMENTS

officer shall issue a written decision that upholds, modifies or reverses the Department's decision. The decision shall contain the reasons for the hearing officer's action. The hearing officer shall mail copies to the provider and the Department via certified mail. The decision shall be accompanied by a letter that informs the provider of the right to appeal the decision and state the procedure for requesting an appeal.

12) Appeal of the hearing officer's decision.

A) The provider may request a review of the hearing officer's decision by the Secretary ~~Director~~ or his or her designee no more than 20 days after the receipt of the hearing officer's decision.

B) Upon receipt of the request for review, the Secretary ~~Director~~ or designee shall review the hearing officer's decision and copies of all documents considered at the hearing. Within 20 working days after receipt of the request for review, the Secretary ~~Director~~ or his or her designee shall issue a decision upholding, modifying or reversing the hearing officer's decision. The Secretary ~~Director~~ or his and her designee shall uphold the decision if he or she determines that the decision was supported by substantial evidence. Copies of the decision shall be sent to the provider, the Department and the hearing officer.

C) The Secretary's ~~Director's~~ decision shall constitute a final administrative decision in accordance with Section 3-101 of the Administrative Review Law (735 ILCS 5/3-101) ~~###-Rev: Statr-1999;ch-110;par-3-101-et-seq.~~

(Source: ~~Amended~~ at 23 Ill. Reg. 11118, effective Aug 24 1999)

# Section 101.110 Hearings and appeals under Sections 7 and 8 of the Illinois Grant Funds Recovery Act [30 ILCS 705/7 and 8]

The Department shall recover grant funds in accordance with the Illinois Grant Funds Recovery Act [30 ILCS 705] if it believes the funds have been misspent or improperly held. If the grantee agency disagrees with the Department's decision to recover funds, it may appeal the decision, and the Department shall conduct a hearing in accordance with this Section.

a) Criteria for recovery  
Grant funds shall be subject to recovery if the Department finds that the grant funds:

- 1) Received by the agency are in excess of actual reimbursable expenses by program;
- 2) Were transferred between programs, unless permission was requested of the Department in writing and was approved;
- 3) Were not spent for the purposes specified in the grant agreement; or

DEPARTMENT OF HUMAN SERVICES  
NOTICE OF ADOPTED AMENDMENTS

- 4) Were not expended or expended by the expiration date of the grant.
- b) Informal hearing  
If the Department believes that grant funds received by a grantee agency are subject to recovery under the Illinois Grant Funds Recovery Act, it shall notify the agency's chief executive officer of that fact in writing via certified mail. The letter of notification shall contain:
- 1) The amount the Department believes is subject to recovery;
  - 2) An offer to have an informal hearing with Department staff to resolve issues before issuing a notice of intent pursuant to subsection (c) of this Section; and
  - 3) A statement that any agency wishing to have an informal hearing must request an informal hearing in writing within 15 calendar days after receipt of the Department's letter of notification. The Department shall schedule the hearing within 60 days after the receipt of the agency's request. The agency shall send its letter of request to:
- Offices Department of Mental Health and  
Developmental Disabilities  
100 North 9th Street  
Springfield, IL 62765  
Attn: Grant Funds Recovery Act Appeals

- c) Notice of intent to recover  
If the informal hearing does not resolve the matter or if the agency does not request a hearing within the time specified in subsection (b) of this Section, the Department shall send a notice of intent to recover to the agency's chief executive officer via certified mail. Such notice shall include the amount to be recovered, the facts permitting recovery, a statement of right to appeal the Department's findings, a description of the appeal procedure and a statement that if the agency does not appeal or respond to the letter, the Department shall take action to recover the amount specified.
- d) Request for an appeal  
An agency wishing to appeal may do so by sending a letter to the Department requesting an appeal. The letter shall be sent within 35 calendar days after receipt of the notice of intent to recover sent to the Department at the address in subsection (b)(3) of this Section. The appeal shall follow the procedures of 89 Ill. Adm. Code 508.
- e) Stay of proceedings  
The request for a hearing shall stay any further action by the Department to recover the funds until the resolution of the appeal.
- f) Evidence that the funds were subject to recovery, as defined in subsection (a) of this Section. On conclusion of the Department's presentation, the agency may present written and oral evidence.

DEPARTMENT OF HUMAN SERVICES  
NOTICE OF ADOPTED AMENDMENTS

- f) Administrative law judge  
The hearing shall be conducted by an administrative law judge appointed by the Department's Director.
- g) Scheduling and notice of hearings  
Within 60 calendar days after receipt of the appeal, the Department's administrative law judge shall schedule a hearing to be held in the Department's central offices or a place agreed to by the administrative law judge. The Department staff involved and the agency. The administrative law judge shall send a written notice of the hearing to the agency via certified mail at least 10 days before the hearing. The notice shall contain a statement of:
- 1) the time and place of the hearing; and
  - 2) the right to be represented by an attorney at the agency's expense.
- h) Continuances  
The administrative law judge may, on good cause shown, grant a continuance if requested by the agency.
- i) Conduct of hearings  
1) The administrative law judge shall:
- A) Regulate the course of the hearings;
  - B) Hold informal conferences for the purpose of resolving the case;
  - C) Dispose of procedural issues;
  - D) Continue the hearing from time to time when necessary;
  - E) Examine witnesses; and
  - F) Rule upon the relevance of evidence.
- 2) At the hearing, the agency and the Department may present written and oral evidence. The Department shall have the burden of proving by substantial evidence that the funds were subject to recovery as defined in subsection (a) of this Section. On conclusion of the Department's presentation, the agency may present written and oral evidence.
- 3) The common law rules of evidence shall not be enforced in the hearing. The administrative law judge shall conduct the hearing in a manner that allows participants to present their evidence fully and as freely. Either party may ask questions of each other or any witness, and the administrative law judge may ask questions of either party or any witness. Questions impeaching the witness' character or credentials shall be improper.
- 4) The hearing shall be taped or stenographically recorded and the Department shall retain the tape or a copy of the transcript. The agency shall be given a copy of the tape or transcript upon request.

g) Standard of review

In all appeals, the administrative law judge shall determine whether there was substantial evidence supporting the Department's findings that the funds were subject to recovery.



## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF ADOPTED AMENDMENTS

## k) Recommended decision

Within 25 working days after the close of evidence, the administrative law judge shall issue a written decision that recommends upholding, modifying, or reversing the Department's findings. The recommended decision shall contain the reasons for the administrative law judge's action. The administrative law judge shall mail copies to the agency, the Department's Chief, Bureau of Community-Psychiatric Services, and the Department's Director. The agency's copy shall be sent via certified mail.

## b) Final administrative decision and recovery order

1) The Director, or his or her designee, shall review the administrative law judge's recommended decision and documents considered at the hearing. Within 28 working days after receipt of the recommended decision, the Director or his or her designee shall issue a final decision adopting, modifying or reversing the administrative law judge's recommended decision. If the Director or his or her designee determines that the recommended decision was supported by substantial evidence, he or she shall adopt the recommended decision. If the Director determines that the funds are subject to recovery, he or she may specify the method of recovery. Copies of the final decision shall be sent to the agency, the Department, and the administrative law judge. The agency's copy shall be sent via certified mail. If the Secretary Director or his or her designee holds that the funds were subject to recovery, the Secretary Director shall issue a recovery order for the funds.

2) The Director, or his or her designee, shall constitute a final administrative decision in accordance with Section 3-101 of the Administrative Review Law [735 ILCS 5/3-101].

(Source: Amended at 23 Ill. Reg. 11118 effective AUG 24 1999)

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF ADOPTED RULE

## 1) Heading of the Part: Administrative Hearings

2) Code Citation: 89 Ill. Adm. Code 508

## 3) Section Numbers: Adopted Action:

508.10 New Section  
508.20 New Section  
508.30 New Section  
508.40 New Section  
508.50 New Section  
508.60 New Section  
508.70 New Section  
508.80 New Section  
508.90 New Section  
508.100 New Section  
508.110 New Section  
508.120 New Section  
508.130 New Section  
508.140 New Section  
508.150 New Section  
508.160 New Section  
508.170 New Section

4) Statutory Authority: Implementing and authorized by Section 5-10 (a)(1) of the Illinois Administrative Procedures Act [5 ILCS 100/5-10(a)(1)], the Alcoholism and Other Drug Dependency Act [20 ILCS 301], Sections 2-105 and 5-104 of the Mental Health and Developmental Disabilities Code [405 ILCS 5/2-105 and 5-104], Section 5 of the Mental Health and Developmental Disabilities Administrative Act [20 ILCS 1705/5], and the Illinois Grant Funds Recovery Act [30 ILCS 705].

5) Effective Date of Rule: August 24, 1999

6) Does this rulemaking contain an automatic repeal date? No

7) Does this rule contain incorporations by reference? No

8) A copy of the adopted rule, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Notice of Proposal Published in Illinois Register: April 16, 1999, 23 Ill. Reg. 4347

10) Has JCAR Issued a Statement of Objections to this Rule? No

11) Differences between proposal and final version: In Section 508.50(a)(4), after "noncompliance" add "specifying the basis for the Department's



DEPARTMENT OF HUMANS SERVICES  
NOTICE OF ADOPTED RULE

TITLE 89: SOCIAL SERVICES  
CHAPTER IV: DEPARTMENT OF HUMAN SERVICES  
PART 508  
ADMINISTRATIVE HEARINGS

action (e.g., audit findings, investigative reports, the rule being violated, etc)". In Section 508.60 (f), add after the first sentence "Good cause may include, but is not limited to, the death or illness of the grievant or a witness; inclement weather that severely limits travel in the area of the hearing, etc."

In Section 508.60 (f), in the second sentence, change "a" to "an".

In Section 508.60 (i), after the first sentence, add "Bias or conflict may include, but is not limited to, the grievant or a witness being a family member of the administrative law judge, the existence of a financial relationship between the administrative law judge and a witness or the grievant, etc."

Section 508.60 (j) was deleted.

- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will this rule replace an Emergency Rule currently in effect? Yes
- 14) Are there any amendments pending on this Part: No

15) Summary and Purpose of Rules: This rulemaking consolidates all Department of Human Services hearings authorized by the Illinois Administrative Procedure Act. Many DHS rules have been amended to reference this rule and to repeal hearing rules replaced by this rulemaking. This rulemaking details the entire process to be followed from the appellant's request for a hearing through the "Final Orders" of the hearing.

16) Information and questions regarding this rule shall be directed to:

Ms. Susan Weir, Bureau Chief  
Bureau of Administrative Rules and Procedures  
Department of Human Services  
100 South Grand Avenue East  
3rd Floor, Harris Bldg.  
Springfield Illinois 62762  
Telephone number: (217) 785-9772

The full text of adopted rules begins on the next page:

DEPARTMENT OF HUMANS SERVICES  
NOTICE OF ADOPTED RULE

TITLE 89: SOCIAL SERVICES  
CHAPTER IV: DEPARTMENT OF HUMAN SERVICES  
PART 508  
ADMINISTRATIVE HEARINGS

- Section
- 508.10 Authority - Applicability of This Part
- 508.20 Definitions
- 508.30 Appearance - Representation by Counsel
- 508.40 Emergency Action
- 508.50 Notice and Initiation of an Administrative Hearing
- 508.60 Motions
- 508.70 Filing
- 508.80 Service
- 508.90 Prehearing Conferences
- 508.100 Discovery
- 508.110 Hearings
- 508.120 Subpoenas
- 508.130 Administrative Law Judge's Report and Recommendations
- 508.140 Proposal for Decision
- 508.150 Final Orders
- 508.160 Records of Proceedings
- 508.170 Miscellaneous

AUTHORITY: Implementing and authorized by Section 5-10(a)(i) of the Illinois Administrative Procedure Act [5 ILCS 100/5-10(a)(i)], the Alcoholism and Other Drug Abuse and Dependency Act [20 ILCS 301], Sections 2-105 and 5-104 of the Mental Health and Developmental Disabilities Code [405 ILCS 5/2-105 and 5-104], Section 5 of the Mental Health and Developmental Disabilities Administrative Act [20 ILCS 1705/5], and the Illinois Grant Funds Recovery Act [30 ILCS 705].

SOURCE: Emergency rule adopted at 23 Ill. Reg. 4468, effective April 2, 1999, for a maximum of 150 days; adopted at 23 Ill. Reg. 11157, effective August 4, 1999.

Section 508.10 Authority - Applicability of This Part

- a) This Part on practice and procedure for administrative hearings is promulgated pursuant to Section 5-10(a)(i) of the Illinois Administrative Procedure Act (IAPA) [5 ILCS 100/5-10(a)(i)]. This Part shall apply to all administrative hearings of the Department of Human Services governed by the Department's rules at 59 Ill. Adm. Code 50 (Office of Inspector General Investigations of Alleged Abuse or Neglect and Deaths in State-Operated and Community Agency Facilities), 59 Ill. Adm. Code 115 (Standards and Licensure Requirements for Community Integrated Living Arrangements), 59 Ill. Adm. Code 117

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF ADOPTED RULE

(Family Assistance and Home-Based Support Programs for Persons with Mental Disabilities), 59 Ill. Adm. Code 119 (Minimum Standards for Certification of Developmental Training Programs), and 59 Ill. Adm. Code 258 (Standards and Requirements for Pre-admission Screening and Participating Mental Health Centers), 77 Ill. Adm. Code 672 (WIC Vendor Management Code), 77 Ill. Adm. Code 2060 (Alcoholism and Substance Abuse Treatment and Intervention Licenses), 89 Ill. Adm. Code 527 (Recovery of Misspent Funds) and 89 Ill. Adm. Code 530 (Criteria for the Evaluation of Programs of Services in Community Rehabilitation Programs). All contested cases and licensing actions therein that are required by law to be preceded by a notice and opportunity to be heard shall be governed by this Part.

b) Where a statute or rule prescribes certain alternative procedures or requirements for hearings, those procedures or requirements will be followed as though they were set forth in this Part. In the event there is a conflict between the statute or rule and this Part, the more specific rule or statute shall prevail.

## Section 508.20 Definitions

"Administrative Hearing" shall mean a contested case or a hearing in which the rule establishing the right to hearing references this Part.

"Administrative Law Judge" shall mean any attorney licensed to practice law in Illinois, appointed by the Secretary to preside at an administrative hearing.

"Contested Case" means an *adjudicatory proceeding (not including ratemaking, rulemaking, or quasi-legislative, informational, or similar proceedings) in which the individual legal rights, duties, or privileges of a party are required by law to be determined by an agency only after an opportunity for a hearing* [5 ILCS 100/1-30].

"Day", unless otherwise noted, shall mean a day on which the State of Illinois offices are open for business. This would exclude Saturdays, Sundays and State holidays.

"Department" shall mean the Department of Human Services, State of Illinois.

"IAPA" shall mean the Illinois Administrative Procedure Act [5 ILCS 100].

"License" means the *whole or part of any Department permit, certificate, approval, registration, charter, or similar form of permission required by law* [5 ILCS 100/1-35].

"Licensing" means the Department process respecting the grant, denial,

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF ADOPTED RULE

*renewal, revocation, suspension, annulment, withdrawal, or amendment of a license* [5 ILCS 100/1-40].

"Party" means the Department or each person or agency named or admitted as a party or properly seeking and entitled as of right to be intervened as a party [5 ILCS 100/1-55] or intervenor whose petition to intervene has been granted.

"Person" means any individual, partnership, corporation, association, governmental subdivision or public or private organization of any character other than the Department [5 ILCS 100/1-60].

"Petitioner" means the party who requests the hearing.

"Respondent" means the party against whom a petition is filed.

"Secretary" shall mean the Secretary or the designee of the Secretary of the Department of Human Services, State of Illinois.

"WIC Hearing" refers to a hearing under the WIC Vendor Management Act [410 ILCS 255].

## Section 508.30 Appearance - Representation by Counsel

a) Any party to a proceeding may appear by himself or herself or may be represented by someone of the party's choosing.

b) All persons appearing in proceedings before the Department, including a non-attorney representative, shall conform to the standards of conduct required of attorneys before the courts of Illinois. If any person does not conform to such standards, the administrative law judge may decline to permit such person to continue to appear in the proceeding.

c) Any attorney or other person appearing before the Department as a representative of a party shall file an Appearance containing: the name of the party represented; the name, address and telephone number of the attorney or representative; an affirmative statement that the attorney is duly licensed in the State of Illinois; an affirmative statement, if representing a corporation, that the individual is duly authorized to represent the corporation; and the written signature of the attorney or representative.

d) Special appearances are not recognized. The initial appearance regardless of form is deemed a general appearance.

e) An attorney or other person appearing before the Department as a representative may withdraw his or her appearance and/or representation only upon motion and appropriate ruling by the administrative law judge. However, attorneys may be substituted without motion upon notice to all parties and the administrative law judge if the substitution will not delay the proceedings, a statement

## DEPARTMENT OF HUMANS SERVICES

## NOTICE OF ADOPTED RULE

to that effect is contained in the notice, and a substitute Appearance form is filed concurrently with the notice.

**Section 508.40 Emergency Action**

If the Secretary finds that the public interest, safety or welfare requires emergency action, and if the Secretary incorporates a finding to that effect in an order, summary suspension of a license or authorization to conduct a particular activity may be ordered pending proceedings for revocation, termination or other actions. *These proceedings shall be promptly instituted and determined.* [5 ILCS 100/10-65]

**Section 508.50 Notice and Initiation of an Administrative Hearing**

a) When the Department serves a Notice of Opportunity for an Administrative Hearing it shall contain:

- 1) a statement of the nature of the action;
- 2) a statement of the legal authority and jurisdiction under which the action is being initiated;
- 3) a reference to the particular sections of the statutes and rules involved;
- 4) allegations of noncompliance specifying the basis for the Department's action (e.g., audit findings, investigative reports, the rule being violated, etc);
- 5) a statement of the procedure for requesting an administrative hearing, including a date by which the request must be received by the Department, which must be set at least ten days after the Notice is mailed or personally served; and
- 6) except where a more detailed statement is otherwise provided for by law, a short and plain statement of the matters asserted, the consequences of a failure to respond, and the official file reference number. [5 ILCS 100/10-25]

b) A person who receives a Notice of an Opportunity for an Administrative Hearing shall submit a written request for a hearing to the Department. The request shall be delivered or mailed to the Department at the address stated in the Notice and, if mailed, shall be postmarked no later than the date set forth in the Notice. Failure to comply with this Section shall constitute a waiver of the person's right to an administrative hearing.

c) Upon receipt of a timely request for hearing, the Department shall issue a Notice of Administrative Hearing or Prehearing Conference. The Notice of Administrative Hearing or Prehearing Conference shall contain:

- 1) a statement of the nature of the hearing;
- 2) a statement of the time and place that the hearing or prehearing conference will be held;
- 3) a statement of the legal authority and jurisdiction under which the hearing is to be held; and

## DEPARTMENT OF HUMANS SERVICES

## NOTICE OF ADOPTED RULE

- 4) the names and mailing addresses of the administrative law judge, all parties, and all other persons to whom the Department gives notice of the hearing, unless otherwise confidential by law. [5 ILCS 100/10-25]

d) Amendments to the pleadings may be allowed upon proper motion at any time during the pendency of the proceedings on such terms as shall be just and reasonable.

e) Venue shall be the location designated in the Notice of Administrative Hearing. Venue may be moved to another location upon stipulation by all parties or upon a showing to and a finding by the administrative law judge that exceptional circumstances exist, including but not limited to age, infirmity or inability to travel that make it undesirable, in the interest of justice, to allow a change of venue.

f) Computation of time. The time within which any act under this Section is to be done shall be computed by excluding the first day and including the last day.

**Section 508.60 Motions**

a) Motions, unless made during a hearing, shall be made in writing and shall set forth the relief or order sought and the legal authority for the action requested. Except as otherwise provided in this Part or by a specific statute or rule, motions may seek any relief or order recognized in the Illinois Code of Civil Procedure [735 ILCS 5] and Rules of the Illinois Supreme Court and shall include a reference to the applicable section of such Code or Rules. Motions based on a matter that does not appear of record shall be supported by affidavit. Written motions shall be titled as to the party making the motion and the nature of the relief sought. Such title shall be in capital letters and shall be placed either below the caption or to the right of the caption beneath the docket number. No motion shall be identically titled with any other motion. Examples of properly-titled motions: RESPONDENT'S MOTION TO DISMISS, RESPONDENT'S SECOND MOTION TO DISMISS.

c) Motions, objections and requests for continuances and all responses shall be in writing unless made at a prehearing conference or a hearing.

d) Motions on the pleadings if not raised at the earliest opportunity shall be deemed waived. Motions on the pleadings shall not be granted if the pleadings are not in conformity with this Section.

e) The administrative law judge shall not have the authority to dismiss, postpone, vacate, or overturn a final order or decision issued by the Secretary.

f) Motions for a continuance shall be granted only for good cause shown. Good cause may include, but is not limited to, the death or illness of the grievant or a witness, inclement weather that severely limits travel in the area of the hearing, etc. With the exception of an emergency, motions for a continuance shall be in writing and filed at

## DEPARTMENT OF HUMANS SERVICES

## NOTICE OF ADOPTED RULE

least 7 days prior to the hearing. Motions for a continuance shall be made immediately when the party learns that a continuance is needed and shall contain statements as to when the party learned that a continuance was needed, steps that were taken to avoid the continuance, and the current reasons the continuance is needed. After one continuance has been granted to a party additional continuances may be granted to that party only if:

- 1) a hearing on the issue of whether or not to grant the continuance has been held and the administrative law judge finds that the moving party has presented sufficient evidence showing entitlement to another continuance;
  - 2) there is an emergency; or
  - 3) all parties so stipulate.
- g) Whenever possible, as much of the hearing as possible shall be completed and only those matters that must be continued shall be continued.
- h) If there is an unforeseen emergency, motions for a continuance may be made by telephone rather than in writing. Motions by telephone shall be made through a conference call involving the administrative law judge and all parties and shall be confirmed within 3 days by the filing of a written motion.

- i) At any time prior to the issuance of the administrative law judge's recommended decision, the party may move to disqualify the administrative law judge on the grounds of bias or conflict of interest. Bias or conflict of interest may include, but is not limited to, the grievant or a witness being a family member of the administrative law judge, the existence of a financial relationship between the administrative law judge and a witness or the grievant, etc. Such motion shall be made in writing to the administrative law judge, setting out the specific instances of bias or conflict of interest. An adverse decision or ruling, in and of itself, is not grounds for disqualification. The administrative law judge's employment, or contract as an administrative law judge, by the Department is not, in and of itself, a conflict of interest. The appeal shall be suspended until the administrative law judge rules on the motion. The administrative law judge may decide to disqualify himself/herself if a determination of bias or conflict of interest exists or may decide that the appeal should be denied. If the motion is granted the Secretary shall appoint a new administrative law judge.

## Section 508.70 Filing

- a) All pleadings, written motions, or notices filed in the administrative proceedings shall be dated and signed by the party filing the paper or his or her attorney or representative.
- b) Pleadings, written motions, and notices shall contain the address of the party filing the paper or, if represented by an attorney or other representative, the name and business address and telephone number

## DEPARTMENT OF HUMANS SERVICES

## NOTICE OF ADOPTED RULE

- c) (including area code) of such attorney or representative. Motions and notices may be filed by facsimile, but the original must also be mailed on the same day.

## Section 508.80 Service

- a) Notices under Section 508.50(a) shall be served either personally or by certified mail upon all parties or their agents appointed to receive service of process unless the applicable statute or rule requires a different form of service, in which case service shall conform to the statute or rule.
- b) Service to the last official address of a party, or agent provided to the Department by a party, shall be considered in compliance with this Section. Notices sent by certified mail to that address and that have been returned to the Department as unclaimed or refused by the addressee shall be considered served. For purposes of this Section, the "last official address" shall be: the address listed on the most recent application submitted to the Department, unless the Department has been subsequently notified in writing of a change of address.
- c) Service of pleadings or motions under this Part, unless otherwise provided for, shall be made by delivering in person or by depositing with the United States Postal Service, properly addressed with postage prepaid, one copy to each party to the proceedings. When any party has appeared by attorney, service upon the attorney shall be deemed service upon such party. All pleadings or motions under this Part shall also be served upon the administrative law judge.
- d) Proof of service under subsection (b) of this Section shall be by certificate of attorney, affidavit or acknowledgment.

## Section 508.90 Prehearing Conferences

- a) A prehearing conference may be scheduled by the administrative law judge or Department at their discretion or as a result of a request pursuant to subsection (b) of this Section. This conference shall be for the purpose of considering:
  - 1) the simplification of the issues;
  - 2) amendments to the pleadings;
  - 3) the possibility of obtaining admissions of fact and of documents that will avoid unnecessary proof;
  - 4) limitation of the number of expert witness; and
  - 5) any other matters that may aid in the disposition of the hearing.
- b) In any proceedings under this Section in which the Department has not scheduled a prehearing conference, any party to the proceedings may request the scheduling of a prehearing conference. Such request must be made in writing and received by the administrative law judge at least 5 days prior to the scheduled hearing date. The requesting party shall serve all other parties to the proceedings with a copy of the request.



## DEPARTMENT OF HUMANS SERVICES

## NOTICE OF ADOPTED RULE

- c) Upon the receipt of a request for a prehearing conference in accordance with subsection (b) of this Section, the administrative law judge shall schedule the prehearing conference and notify all parties of the date, time and place of the conference.
- d) After a prehearing conference, the administrative law judge shall make a report to all parties that recites any action taken by the administrative law judge and any agreements made by the parties as to any of the matters considered.
- e) Any party may request additional prehearing conferences. The administrative law judge, in his or her discretion, may deny or grant such a request.
- f) A certified stenographic reporter (court reporter) will not be present at a prehearing conference unless one of the parties to the proceeding requests the Department to make such arrangements. The Department must receive such a request at least two days in advance of the scheduled prehearing conference. The party requesting the presence of the court reporter shall be billed directly for the fee of the reporter.
- g) The Department shall appoint a sign or language interpreter upon request. An interpreter must be able to communicate with the person for whom the interpreter was requested and must take an oath or affirmation to make a true interpretation in an understandable manner and convey the statements of the person to the best of the interpreter's skill.

## Section 508.100 Discovery

- a) At least 7 days prior to the commencement of the hearing, each party shall provide all other parties with a copy of any document that it intends to offer into evidence. This subsection does not apply to documents already provided by the Department under this Part.
- b) At least 7 days prior to the commencement of the hearing, each party shall provide all other parties with a list containing the name and address of any witness who may be called to testify.
- c) All parties shall be entitled to any exculpatory evidence in the other party's possession that tends to support the opponent's position or that might impact the credibility of the party's own witness. Such documentation shall be produced at least 7 days prior to the hearing.
- d) Upon a written request by the Department, at any time after a notice or hearing request is filed, or at any stage of the hearing, a party shall be required to produce within 7 days documents, books, records, or other evidence that relates directly to the conduct of the business entity that is the subject of the administrative hearing.
- e) All parties shall be under a continuing obligation to promptly update requested discovery until the hearing is concluded without the necessity for further or additional requests.
- f) There shall be no depositions for discovery purposes or interrogatories allowed in any proceedings brought pursuant to this

## DEPARTMENT OF HUMANS SERVICES

## NOTICE OF ADOPTED RULE

- Part, except for good cause as determined by the administrative law judge. Evidentiary depositions of material witnesses shall be allowed by the administrative law judge for good cause, including but not limited to age, infirmity, or inability to travel.
- g) Requests to admit facts and genuineness of Documents shall be allowed in accordance with Supreme Court Rule 216.
- h) Nothing contained in this Section shall preclude the parties from agreeing to the voluntary exchange of more information than is required.
- i) A request for discovery shall be considered an appearance by the party.

## Section 508.110 Hearings

- a) Except for hearings under 59 Ill. Adm. Code 50, 115, 117, 119, and 120, all hearings conducted in any proceedings shall be open to the public subject to individual rights to confidentiality.
- b) Hearings will be conducted by the Secretary or by an administrative law judge appointed by the Secretary. If the Secretary conducts the hearing, any reference in this Part to the administrative law judge shall be read to refer to the Secretary.
- c) The administrative law judge shall conduct hearings; administer oaths; issue subpoenas; hold informal conferences for the settlement, simplification, or definition of issues; dispose of procedural requests, motions, and similar matters; continue the hearing from time to time when necessary; examine witnesses; and rule upon the admissibility of evidence.
- d) The administrative law judge shall direct all parties to enter their appearances on the record.
- e) Written opening arguments and written closing arguments shall not be permitted unless all parties so stipulate or the administrative law judge so directs.
- f) Parties may by stipulation agree upon any facts involved in the proceeding. The facts stipulated shall be considered as evidence in the proceeding. Unless precluded by law, disposition may be made of any administrative hearing by stipulation, agreed settlement, consent order, default, or motion.
- g) At any stage of the hearing or after all parties have completed the presentation of their evidence, the administrative law judge may call for further testimony, subject to cross-examination by the parties.
- h) The rules of evidence and privilege as applied in civil cases in the circuit courts of this State shall be followed. However, evidence not admissible under those rules of evidence may be admitted (except where precluded by statute or rule) if it is of a type commonly relied upon by reasonably prudent persons in the conduct of their affairs. Immaterial, irrelevant, or unduly repetitious material shall be excluded. A copy of the whole or any part of an admissible book, record, paper, or memorandum of the Department that is made by



## DEPARTMENT OF HUMANS SERVICES

## NOTICE OF ADOPTED RULE

photostatic or other method of accurate and permanent reproduction may be admitted in evidence at the hearing without further proof of the accuracy of such copy. Objections to evidentiary offers may be made and shall be noted in the record. *Cross-examination of each witness shall be allowed.*

- i) *Official notice may be taken of matters of which circuit courts of this State may take judicial notice. In addition, official notice may be taken of generally recognized technical or scientific facts within the Department's specialized knowledge. Parties shall be notified either before or during the hearing, or by reference in preliminary reports or otherwise, of the material noticed, including any staff memoranda or data, and they shall be afforded an opportunity to contest the material so noticed. The Department's experience, technical competence and specialized knowledge may be utilized in the evaluation of evidence.* [5 ILCS 100/10-40]
- j) Absent a showing of good cause, no document shall be offered into evidence that was not disclosed in accordance with the requirements in Section 508.100(a), and no witness shall testify whose name was not provided pursuant to Section 508.100(b). For purposes of this subsection, a showing of good cause shall mean that a party, through no fault of its own, did not have knowledge of a document to be offered into evidence or the name of a witness within the timeframe necessary for compliance with Section 508.100(a) and (b).
- k) The Department will arrange for audio or video taping or for a certified stenographic reporter (court reporter) to make a stenographic record of the hearing in all administrative hearings under this Part. Any person may make arrangements to obtain a copy of the stenographic record from the reporter. The Department reserves the right to employ a certified stenographic reporter. There shall be no audio or video taping apart from any made by the certified stenographic reporter employed for those purposes by the Department without the express consent of the administrative law judge and all parties to the hearing.
- l) Corrections to the transcript of the hearing may be made by the Secretary or administrative law judge who heard the matter.
- m) If a party, or any person at the direction of or in collusion with a party, violates any ruling or order of the administrative law judge, the administrative law judge, on motion, may enter such orders as are just, including, among others, the following:
  - 1) that further proceedings be stayed until the order or rule is complied with;
  - 2) that the offending party be barred from filing any other pleadings relating to any issue to which the refusal or failure relates;
  - 3) that the offending party be barred from maintaining any particular claim or defense relating to that issue; that issue;
  - 4) that a witness be barred from testifying concerning that issue;
  - 5) that, as to claims or defenses asserted in any pleading to which

## DEPARTMENT OF HUMANS SERVICES

## NOTICE OF ADOPTED RULE

that issue is material, an order of default be entered against the offending party or that the offending party's pleading be dismissed without prejudice; or

- 6) that any portion of the offending party's pleadings relating to that issue be stricken and, if thereby made appropriate, judgment be entered as to the issue.

- n) At any time, the administrative law judge may order the removal of any person from the hearing room who is creating a disturbance or engaging in conduct that disrupts the hearing.
- o) At the request of any party, the administrative law judge may exclude all witnesses from the hearing room, except that each party or a representative of a party, in addition to legal counsel, shall be allowed to remain.
- p) When it is impractical for the parties, witnesses or administrative law judge to appear in the same site for a hearing, testimony may be taken by telephonic means, interactive video conferencing, or any other means, at the discretion of the administrative law judge. If a hearing is to be conducted by such means, the notice shall so inform the parties and include instructions for providing any necessary telephone numbers. The in-person presence of some parties or witnesses at the hearing shall not prevent the participation of other parties or witnesses. A party to such a hearing must submit to the administrative law judge at least 7 days before the date of the scheduled hearing any documents that are intended to be introduced at the hearing. Copies of the documents must also be provided to any other party prior to the date of the scheduled hearing. All documents submitted to the administrative law judge will be identified on the record.
- q) The applicable burden of proof shall be determined by the regulation establishing the right to hearing. If the regulation establishing the right to a hearing is silent concerning the burden of proof, such burden shall be a *preponderance of the evidence*. [5 ILCS 100/10-15]
- r) Failure of a party to appear at the administrative hearing at the time the hearing is scheduled will result in a dismissal of the contested case.
- s) If a party fails to appear and the hearing is dismissed, that party may request a rehearing of the contested case from the administrative law judge. Requests for reinstating the contested case must be filed no later than 10 days after the date of the notice of dismissal. Based on the statements in the request and the facts of the record, the administrative law judge shall:
  - 1) Grant the request if the request meets the requirements of this subsection (s) and schedule a hearing with notice to all parties, including a copy of the request; or
  - 2) Deny the request, if the request fails to meet the requirements of this subsection (s), and issue a written decision setting forth the reasons for the denial. In such cases, if an adverse decision on the merits was issued, a timely appeal to the denial

## DEPARTMENT OF HUMANS SERVICES

## NOTICE OF ADOPTED RULE

of a timely request for a rehearing shall also constitute a timely appeal on the merits of the matter.

## Section 508.120 Subpoenas

- a) The administrative law judge may issue a subpoena to compel the attendance of a witness or the production of documents when such witness or such documents contain relevant evidence but the evidence is not being presented by the party, witness or holder of the document. A party may also request the administrative law judge to issue a subpoena to compel the attendance of a witness or the production of documents. The request shall be either in writing or on the record and shall:

- 1) Identify the witness or document sought; and
- 2) State the facts that will be proven by each witness or document sought.

- b) The administrative law judge shall grant or deny the request, either in writing or on the record. If the request for a subpoena is granted, the administrative law judge shall, if necessary, reschedule the hearing to a specific date. The request for a subpoena shall be denied only if the administrative law judge finds that the evidence sought is immaterial, irrelevant or cumulative. If the request for a subpoena is denied, the administrative law judge shall proceed to conduct the hearing, and the specific reasons for denial of the request for subpoena shall be made part of the record of the appeal.
- c) If a witness fails to obey a subpoena, the party seeking enforcement of the subpoena shall prepare application to the circuit court of the county in which the subpoenaed witness resides requesting enforcement of the subpoena, and shall present the application to the administrative law judge. If satisfied that the subpoena was properly served and that the application is in proper form, the administrative law judge shall sign the subpoena, or the attorney of the party seeking the subpoena may then file and prosecute the application to the circuit court. In such instance, that matter shall be continued pending the outcome of enforcement of the subpoena.
- d) The witness fee for attendance and travel shall be the same as the fee of witnesses before the circuit courts of this State. When a witness is subpoenaed by the administrative law judge upon his or her own motion or upon the request of the Department, the witness fee shall be paid in the same manner as other expenses of the Department.

## Section 508.130 Administrative Law Judge's Report and Recommendations

- a) At the conclusion of a hearing at which the Secretary has not presided, the administrative law judge shall make a written report of the hearing, with his or her findings of fact and conclusions of law and his or her recommendations, if any, to the Secretary. However, in a hearing under Section 45-25 of the Alcoholism and Other Drug Abuse

## DEPARTMENT OF HUMANS SERVICES

## NOTICE OF ADOPTED RULE

and Dependency Act [20 ILCS 301/45-25], the report shall only summarize the testimony presented at hearing and the administrative law judge's opinion about the reliability of the witnesses. The administrative law judge shall complete the decision within 30 days after the close of the hearing.

- b) The Secretary or appropriate DHS staff must receive a copy of the decision, and the petitioner's copy must be mailed by certified mail. The report shall be accompanied by the audio or video recording or a transcript of the proceedings, all exhibits admitted into evidence, copies of all pleadings and documents or evidence made a part of the record and all other material that is deemed to be a part of the record.

## Section 508.140 Proposal for Decision

- a) When the Secretary has not heard the administrative hearing or read the record and his or her final decision would be adverse to any party other than the Department, a proposal for decision shall be served upon all parties to the proceedings. The proposal for decision shall contain:

- 1) A statement of the reasons for the proposed decision;
- 2) A statement of each issue of fact or law necessary to the proposed decision.
- b) The proposed decision shall be prepared by the persons who conducted the hearing or one who has read the record.
- c) Any party adversely affected by the proposed decision shall have 20 days from the receipt of the proposal for decision in which to file written exceptions and a brief [5 ILCS 100/10-45]. Failure to file written exceptions and a brief in the time provided for in the proposal for decision shall be deemed a waiver of the right to file exceptions and a brief. The Department shall have 10 days to respond to the exceptions or brief.
- d) The proposal for decision shall be served on all parties personally or by certified mail.
- e) The Secretary in his or her discretion may provide for oral arguments on the proposal for decision. If oral arguments are allowed, they shall be scheduled as convenient to the Secretary.

## Section 508.150 Final Orders

- a) A written Final Order shall be issued in every administrative hearing. A final order shall include findings of fact and conclusions of law, separately stated. All final orders shall specify whether they are final and subject to the Illinois Administrative Review Law [735 ILCS 5/Att. III] and any applicable licensing statute.
- b) A final order shall be served on parties or their agents appointed to receive service of process either personally or by registered or certified mail. [5 ILCS 100/10-50]

## DEPARTMENT OF HUMANS SERVICES

## NOTICE OF ADOPTED RULE

**Section 508.160 Records of Proceedings**

- a) A full and complete record shall be kept of all proceedings. The record shall consist of the following:
- 1) all pleadings (including all notices and responses thereto), motions, and rulings;
  - 2) a transcript of the hearing, if any, and all evidence received;
  - 3) a statement of matters officially noticed;
  - 4) any offers of proof, objections and rulings thereon;
  - 5) any proposed findings and exceptions;
  - 6) any decision, opinion, or report by the administrative law judge;
  - 7) all staff memoranda or data submitted to the administrative law judge or members of the Department in connection with their consideration of the administration hearing; and
  - 8) any communication prohibited by Section 10-60 of the IAPA [5 ILCS 100/10-60]. No such communication shall form the basis for any finding of fact.
- b) The record shall also contain the following:
- 1) Subpoenas;
  - 2) Requests for Subpoenas;
  - 3) Cover letters;
  - 4) Notices of Filing;
  - 5) Certificates of Mailing for regular mail and return receipts for certified mail; and
  - 6) Discovery Requests.
- c) The Department shall be the official custodian of the records of administrative hearings held before the Department.

**Section 508.170 Miscellaneous**

- a) Ex Parte Consultation. Except in the disposition of matters that the Department is authorized by law to entertain or dispose of on an ex parte basis, the administrative law judge or Secretary shall not, after notice of hearing, communicate directly or indirectly, in connection with any other issue of fact, with any person or party, his or her representative, or any person interested in the outcome of the proceeding, except upon notice and opportunity for all parties to participate. However, a Department member may communicate with other members of the Department or the administrative law judge may have the aid and advice of one or more personal assistants.
- 1) An ex parte communication received by any Department employee or the administrative law judge shall be made a part of the record of the pending matter, including all written communications, all written responses to the communications, and a memorandum stating the substance of all oral communications and all responses made and the identity of each person from whom the ex parte communication was received.
  - 2) Communications regarding matters of procedure and practice, such

## DEPARTMENT OF HUMANS SERVICES

## NOTICE OF ADOPTED RULE

- as the format of pleadings, number of copies required, manner of service, and status of proceedings, are not considered ex parte communications under this Part. [5 ILCS 100/10-60]
- b) Construction of Rules. In case of any conflict between this Part and the IAPA [5 ILCS 100] or a specific licensing statute, the terms of the latter shall control.
  - c) Conflict of Authority. If the hearing is being conducted pursuant to federal law and there is a conflict between this Part and federal procedural or evidentiary requirements, then the federal requirements shall control.
  - d) Waiver. Compliance with any or all of the provisions of this Part or with any or all provisions of the IAPA regarding a contested case may be waived by written stipulation of all parties. [5 ILCS 100/10-70]

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Related Program Provisions

2) Code Citation: 89 Ill. Adm. Code 117

3) Section Numbers: 117-50  
Adopted Action: Amendment

4) Statutory Authority: Implementing Article III, IV and VI and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Art. III, IV and VI, and 12-13].

5) Effective Date of Amendments: August 27, 1999

6) Does this rulemaking contain an automatic repeal date? No

7) Do these amendments contain incorporations by reference? No

8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Notice of Proposal Published in Illinois Register: May 7, 1999 (23 Ill. Reg. 5442)

10) Has JC&R Issued a Statement of Objections to this amendment? No

11) Differences between proposal and final version: No changes were made in the text of the proposed amendments.

12) Have all the changes agreed upon by the agency and JC&R been made as indicated in the agreements issued by JC&R? Yes

13) Will these amendments replace an emergency amendment currently in effect? No

14) Are there any amendments pending on this Part: Yes

Section Number 117-92 Proposed Action Amendment Illinois Register Citation 23 Ill. Reg. 3893

15) Summary and Purpose of Amendment: These amendments increase by 3% payments for funeral and burial expenses. Payments are made to funeral homes and cemeteries for services rendered, and to persons who are not responsible for the decedent, as reimbursement of their payment of funeral and burial expenses. As a result of these amendments, payments to funeral homes and cemeteries for funeral and burial expenses of qualifying deceased clients will be increased by 3%. The 3% increase is shown as an increase in the maximum allowable amounts the Department pays for funeral and burial

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF ADOPTED AMENDMENTS

expenses.

16) Information and questions regarding these adopted amendments shall be directed to:

Mrs. Susan Weir, Bureau Chief  
Bureau of Administrative Rules and Procedures  
Department of Human Services  
100 South Grand Avenue East  
3rd Floor, Harris Bldg.  
Springfield, Illinois 62762  
(217) 785-9772

The full text of adopted amendments begins on the next page:

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF ADOPTED AMENDMENTS

## TITLE 89: SOCIAL SERVICES

## CHAPTER IV: DEPARTMENT OF HUMAN SERVICES

## SUBCHAPTER VV: DISTRICT, COUNTY, TOWNSHIP AND SPECIAL ACT

## MUTUAL COMPANIES

## SUBCHAPTER b: ASSISTANCE PROGRAMS

## PART 117

## RELATED PROGRAM PROVISIONS

## Section

- 117.1 Incorporation By Reference
- 117.10 Payee for Financial Assistance
- 117.11 Issuance of Cash Assistance Benefits
- 117.12 Client Training for the Electronic Benefits Transfer (EBT) System
- 117.13 Replacement of the EBT Card
- 117.15 Reinstatement Upon Agreement to Cooperate
- 117.16 Replacement of Missing Warrants
- 117.20 Withholding of Rent (Repealed)
- 117.40 Recovery of Interim Assistance - Aid to the Aged, Blind or Disabled and General Assistance
- 117.50 Funerals and Burials
- 117.51 Funeral Home Services
- 117.52 Burial Expenses
- 117.53 Payment to Vendor(s)
- 117.54 Claims for Reimbursement
- 117.55 Submittal of Claims
- 117.60 Substitute Parental Care/Supplemental Child Care - AFDC, AABD and GA Family Cases
- 117.70 Charge for Replacement of Photo ID Cards (Repealed)
- 117.80 Direct Deposit of Recipients' Warrants
- 117.90 State Income Tax Match
- 117.91 New Hire Match

AUTHORITY: Implementing Articles III, IV and VI and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Arts. III, IV and VI, and 12-13].

SOURCE: Filled and effective December 30, 1977; amended at 2 Ill. Reg. 31, p. 68, effective August 3, 1978; amended at 3 Ill. Reg. 38, p. 258, effective September 20, 1979; amended at 3 Ill. Reg. 41, p. 167, effective October 1, 1979; codified at 7 Ill. Reg. 5195; amended at 7 Ill. Reg. 16111, effective November 22, 1983; amended at 9 Ill. Reg. 37726, effective March 13, 1985; amended at 9 Ill. Reg. 4526, effective March 20, 1985; amended at 9 Ill. Reg. 8733, effective May 29, 1985; amended at 9 Ill. Reg. 10779, effective July 5, 1985; amended at 9 Ill. Reg. 16914, effective October 16, 1985; amended at 11 Ill. Reg. 4759, effective March 13, 1987; amended at 12 Ill. Reg. 2985, effective January 13, 1988; amended at 12 Ill. Reg. 13608, effective August 15, 1988; amended at 12 Ill. Reg. 14296, effective August 30, 1988; amended at 13

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF ADOPTED AMENDMENTS

Ill. Reg. 3936, effective March 10, 1989; amended at 14 Ill. Reg. 780, effective January 1, 1990; amended at 14 Ill. Reg. 9488, effective June 1, 1990; amended at 15 Ill. Reg. 13533, effective August 1, 1991; amended at 16 Ill. Reg. 16644, effective October 23, 1992; emergency amendment at 17 Ill. Reg. 2368, effective February 8, 1993, for a maximum of 150 days, amended at 17 Ill. Reg. 8191, effective May 24, 1993; amended at 18 Ill. Reg. 3746, effective February 28, 1994; amended at 18 Ill. Reg. 7403, effective April 29, 1994; amended at 19 Ill. Reg. 1103, effective January 26, 1995; amended at 19 Ill. Reg. 10702, effective July 7, 1995; emergency amendment at 19 Ill. Reg. 15267, effective November 1, 1995, for a maximum of 150 days; amended at 20 Ill. Reg. 377, effective January 1, 1996; amended at 20 Ill. Reg. 5706, effective March 30, 1996; emergency amendment at 20 Ill. Reg. 10381, effective July 23, 1996, for a maximum of 150 days; amended at 21 Ill. Reg. 395, effective December 20, 1996; amended at 21 Ill. Reg. 7759, effective June 4, 1997; emergency amendment at 21 Ill. Reg. 8677, effective July 1, 1997, for a maximum of 150 days; recodified from the Department of Public Aid to the Department of Human Services at 21 Ill. Reg. 9322; amended at 21 Ill. Reg. 15591, effective November 26, 1997; amended at 22 Ill. Reg. 16251, effective September 1, 1998; amended at 22 Ill. Reg. 18951, effective October 1, 1998; amended at 23 Ill. Reg. 5263, effective April 19, 1999; amended at 23 Ill. Reg. 11174, effective August 27, 1999.

## Section 117.50 Funerals and Burials

- a) Funeral and burial services shall be provided to eligible deceased individuals in accordance with Department standards.
- b) The maximum allowable amount which the Department may pay for funeral expenses of an eligible decedent, based on the decedent's age, is:
- 1) \$670.656 for an adult or child 5 years of age or older;
  - 2) \$417.465 for a child between the ages of 3 months and 5 years; and
  - 3) \$335.995 for a child under 3 months of age or stillborn.
- c) The maximum allowable amount which the Department will pay for burial (including cremation) expenses of an eligible decedent is \$335.925.
- d) When there is no hospital facility for disposal of amputated limbs by cremation or if burial is desired by the recipient, an allowance of \$15 for burial of amputated limbs may be paid to a funeral director.
- e) No additional payment shall be made for burial of amputated limbs with the remainder of the body.
- f) The maximum allowable amount which the Department will pay for an Anatomical Gift case is \$96.93 for the funeral home services and \$50 for a memorial service held in the funeral home. In a Anatomical Gift case, the body has been donated for scientific study.

(Source: Amended at 23 Ill. Reg. 11174, effective August 27, 1999.)



## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF ADOPTED RULES

1) Heading of the Part: Conservation 2000 - Ecosystems Program

2) Code Citation: 17 Ill. Adm. Code 1523

3) Section Numbers: Adopted Action:

1523.10 New Section  
1523.20 New Section  
1523.30 New Section  
1523.40 New Section  
1523.50 New Section  
1523.60 New Section  
1523.70 New Section  
1523.80 New Section  
1523.90 New Section  
1523.100 New Section  
1523.110 New Section  
1523.120 New Section  
1523.130 New Section  
1523.140 New Section  
1523.150 New Section  
1523.160 New Section  
1523.170 New Section  
1523.180 New Section

4) Statutory Authority: Implementing and authorized by Sections 5.400, 5.401, 62-31, and 8.25g of the State Finance Act [30 ILCS 105].

5) Effective Date of Rules: August 26, 1999

6) Does this rulemaking contain an automatic repeal date? No

7) Do these rules contain incorporations by reference? No

8) A copy of the adopted rule, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Notice of Proposal Published in Illinois Register: May 28, 1999, 23 Ill. Reg. 6202

10) Has JCAR issued a Statement of Objections to these rules? No

11) Differences between proposal and final version: Authority Note - removed "the" prior to "Sections"

1523.10 - capitalized "program" following "Ecosystems"

1523.20 - Comprehensive Environmental Review Process - deleted comma

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF ADOPTED RULES

following "Resources"

1523.20 - Ecosystem Partnership Area - put period at end of subsection

1523.20 - Ecosystem Program Manager - added "means" prior to "the budget"; deleted comma and added "s" following "Ecosystem"

1523.20 - Ecosystem Projects - added comma following "within"

1523.30(a)(2) - added period at end of subsection

1523.30(a)(5) - changed "their" to "and"

1523.30(b) - changed "of" to "after"

1523.30(b)(2) - changed "described" to "cross referenced" and changed "recognized by the Illinois Natural Areas Inventory" to "as defined in 525 ILCS 30/3.10"

1523.30(b)(4) - changed "coalitions" to "coalition's"; changed "their" to "its"; changed "and their" to "its"; changed "their" to "its"; replaced the comma with "and"

1523.50 - changed "which" to "that"

1523.60 - changed "which" to "that"

1523.70(a), (b), (d) - put period at end of subsections

1523.70(e) - changed "Economic" to lower case and changed "issue" to "issues"

1523.70(f) - capitalized "State"

1523.80 - inserted "-first served" following "first come"

1523.90 - changed "Project" to "Projects"; changed "which" to "that"; changed "said" to "the" and removed "as"

1523.110 - removed "(attached as Exhibit A)" and replaced

"1523.140" with "1523.180"

1523.120 - removed "as" and replaced "below" with "of this Part"

1523.120(c) - changed "1523.120b(6)" to "1523.120(b)(6)"

1523.130(b)(1)(C) - changed "which" to "that"

DEPARTMENT OF NATURAL RESOURCES  
NOTICE OF ADOPTED RULES

- 1523.130(b)(1)(E) - changed "which" to "that"
- 1523.130(b)(3)(A) - changed "and or" to "and/or"
- 1523.130(b)(3)(D) - capitalized "Department"
- 1523.130(c)(3) - moved "in implementation" to the end of the subsection
- 1523.140 - changed "which" to "that" in two places; changed "they" to "it" and changed "receive" to "receives"
- 1523.150 removed "said" in two places and added "--first served" following "first come"
- 1523.160 - changed "on" to "upon"
- 1523.160(a) - changed "a" to "an"
- 1523.160(b) - changed "their" to "it" and moved language following subsection into this subsection and changed "and or" to "and/or" and capitalized State
- 1523.170(a) - changed "Grantee" to lower case and changed "which" to "that"
- 1523.170(b) - changed "Grantee" to lower case in three places
- 1523.170(c) - changed "of" to "after" and changed "Grantee" to lower case in three places
- 1523.170(d) - changed "state" to "State"
- 1523.170(e) - replaced semi-colons with commas in two places; replaced "Grantee" with "grantee" in three places; and removed "of"
- 1523.170(f) - changed "Grantee" to lower case in two places; capitalized "function"
- 1523.170(g) - added a comma following "interest"
- 1523.170(h) - changed "Grantee" to lower case
- 1523.170(i) - changed "Grantee" to lower case and changed statutory citation to "[30 ICS 705/10]"
- 1523.170(k) - changed "Grantee" to lower case in three places; changed "can not" to "cannot"; removed "(s)" and replaced "said" with "the"

DEPARTMENT OF NATURAL RESOURCES  
NOTICE OF ADOPTED RULES

- 1523.170(l) - changed "Grantee" to lower case in three places and removed "(s)"
- 1523.170(m) - changed "Grantee" to lower case; changed "a" to "an"; capitalized "grant"; removed hyphens in "Scope-of-Work"
- 1523.170(p) - changed "Grantee" to lower case in two places; changed "a" to "an"; changed "they" to "it"
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rulemaking replace an emergency rule currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rulemaking: This Part establishes the procedures for designation of Ecosystem Partnerships and review and selection of Ecosystems Program grants.
- 16) Information and questions regarding these adopted rules shall be directed to:

Cindy Bushur-Hallam  
Department of Natural Resources  
524 S. Second Street, Room 430  
Springfield IL 62701-1787  
217/782-1809

The full text of the adopted rules begins on the next page:

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF ADOPTED RULES

TITLE 17: CONSERVATION  
CHAPTER 1: DEPARTMENT OF NATURAL RESOURCES  
SUBCHAPTER d: FORESTRY

## PART 1523

## CONSERVATION 2000 - ECOSYSTEMS PROGRAM

Section	Program Objective
1523.10	Definitions
1523.20	Definitions
1523.30	Ecosystem Partnership Designation
1523.40	Withdrawal of Designation
1523.50	Ecosystem Planning Grants
1523.60	Ecosystem Planning Grant Eligibility
1523.70	Ecosystem Planning Grant Application
1523.80	Ecosystem Planning Grant Limitations, Award, and Notification
1523.90	Ecosystem Project Grants
1523.100	Ecosystem Project Grant Eligibility
1523.110	Ecosystem Project Grant Application Process
1523.120	Ecosystem Project Grant Application
1523.130	Review of Ecosystem Projects
1523.140	Selection and Notification of Ecosystem Project Grant Awards
1523.150	Ecosystem Partnership Support Grants
1523.160	Ecosystem Planning, Project, and Support Grant Execution and Reimbursement
1523.170	Ecosystem Planning, Project, and Support Grant Compliance Requirements
1523.180	Program Information/Contact

AUTHORITY: Implementing and authorized by Sections 5.400, 5.401, 62-31, and 8.25g of the State Finance Act [30 ILCS 105].

SOURCE: Adopted, 23 Ill. Reg. **11178**, effective Aug 26 1999.

## Section 1523.10 Program Objective

The Ecosystems Program was developed to establish and protect a system of representative, functioning ecosystems in both public and private ownership by providing incentives to landowners. The Ecosystems Program of Conservation 2000 provides technical and financial assistance to Ecosystem Partnerships, watershed or ecosystem-based coalitions of people who are cooperating to improve the natural resource base of the watersheds where they live, work, and play, while promoting compatible and sustainable economic activity. It is the objective of the Ecosystems Program to promote the formation of these partnerships in representative complexes of watersheds that are "resource rich," i.e., that possess significant concentrations of rare and/or vulnerable natural resources and also possess significant concentrations of general fish

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF ADOPTED RULES

and wildlife habitat. The program emphasizes natural resource restoration and enhancement through restoration of ecosystem functions at the watershed or landscape scale.

## Section 1523.20 Definitions

"Comprehensive Environmental Review Process (CERP)" a standardized process used within the Department of Natural Resources to review agency actions, including funding of grants or projects, for compliance with a number of Illinois statutes protecting vulnerable natural or cultural resources, including but not limited to, natural areas, wetlands, threatened and endangered species, and archeological sites.

"Director" means Director of the Illinois Department of Natural Resources.

"Department" means the Illinois Department of Natural Resources.

"Ecosystem Coordinator" a regional Department of Natural Resources staff person assigned by the Director as the primary departmental contact to an Ecosystem Partnership.

"Ecosystem Partnerships" means a coalition of people and interest groups who protect and enhance the natural resources of representative ecosystems on a watershed basis by promoting compatible economic development and sustainable land use practices, which has been designated by the Director to participate in the Ecosystems Program of Conservation 2000 (C2000).

"Ecosystem Partnership Area" means the area within the boundaries of a designated Ecosystem Partnership as requested by and on record with the Illinois Department of Natural Resources.

"Ecosystems Program Manager" means the budget, finance, and personnel coordinator for the Ecosystems Program.

"Local Partnership Council" means a group of individuals from a designated Ecosystem Partnership appointed by the Director of the Department of Natural Resources to review and make recommendations for funding of Ecosystem Projects.

"Ecosystem Projects" means competitively funded projects designed to protect or restore the natural resources of, or promote compatible or sustainable economic uses within, specific Ecosystem Partnership areas.

## Section 1523.30 Ecosystem Partnership Designation

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF ADOPTED RULES

- a) Coalitions of interests interested in being designated as an Ecosystem Partnership may request designation by writing the Director and providing:

- 1) Their organizing principles, mission statement, constitution, charter, articles of incorporation, or statement of purpose.
- 2) A map of the boundaries of the proposed Ecosystem Partnership.
- 3) A list of members or participants in the proposed Ecosystem Partnership, both individual and organizational.
- 4) A description of the Partnership area's natural resource condition or natural resource significance.
- 5) A list of proposed Local Partnership Council members, their names, addresses, telephone numbers, fax numbers, E-mail addresses, and affiliations, and a description of the interests they represent.

- b) The Director shall grant or deny designation as an Ecosystem Partnership in writing within 90 days after the receipt of the request. The Director shall consider the following criteria in reaching that decision:

- 1) The relationship between the mission or purpose of the proposed Partnership and the mission and policies of the Department.
- 2) The natural resource significance of the ecosystems or watersheds proposed for inclusion in the proposed partnership area, e.g., whether they have been recognized as Resource Rich Areas of Illinois as cross referenced in the publication: Inventory of Resource Rich Areas in Illinois: An Evaluation of Ecological Resources (Suloway et al., Illinois Department of Natural Resources, 1996), or whether they possess complexes of natural areas as defined in 525 ILCS 30/3.10, or otherwise possess landscape scale natural resource attributes of regional significance.
- 3) The representation of interests associated with the proposed partnership.
- 4) The coalition's demonstrated ability to achieve its stated goal, its potential to achieve that goal given its composition and demonstrated leadership, and the organizational skills of members.
- 5) Technical and financial resources available for program expansion.
- 6) Other potential local support for the proposed partnership.

**Section 1523.40 Withdrawal of Designation**

Three years after the initial designation of an Ecosystem Partnership, and every 3 years thereafter, the Department of Natural Resources will review the status of Ecosystem Partnerships. Based on this review the Director may reaffirm that designation or withdraw the designation. If the designation is withdrawn, the subject partnership will no longer be eligible for Ecosystem Program support or Ecosystem Planning or Ecosystem Project funding. The review

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF ADOPTED RULES

shall consider:

- a) Whether the Ecosystem Partnership has formally adopted goals.
- b) Whether the Ecosystem Partnership has demonstrated progress towards those goals.
- c) Whether the membership of the Ecosystem Partnership has remained broad and inclusive.
- d) Whether the Ecosystem Partnership meets regularly and can demonstrate good attendance.

**Section 1523.50 Ecosystem Planning Grants**

Subject to sufficient funding, the Department will annually allocate a prescribed dollar amount for Ecosystem Planning Grants. Designated Ecosystem Partnerships may apply for up to \$10,000 by providing a Scope of Work that describes the planning process to be employed, describes the resource and economic issues to be addressed, a planning timetable, and a projected budget. Applications will be accepted continuously and grants will be made if annually allocated funds remain available when a Scope of Work acceptable to the Partnership and the Department has been agreed upon.

**Section 1523.60 Ecosystem Planning Grant Eligibility**

Designated Ecosystem Partnerships that have not previously received an Ecosystem Planning Grant from the Department are eligible to apply for one.

**Section 1523.70 Ecosystem Planning Grant Application**

A letter requesting consideration for an Ecosystem Planning Grant and a proposed Scope of Work for the planning process should be sent to the Ecosystem Projects Coordinator. At a minimum the Scopes of Work should identify:

- a) The Planning Goals.
- b) The Expected Outcomes.
- c) The Plan Development Process, including the planning process to be employed, members of the planning team, party or parties responsible for writing the plan, and the primary liaison with the Ecosystems Program of the Department.
- d) Any data needs.
- e) Resource and economic concerns to be addressed, including ecological values, socioeconomic values, and protection and management issues, so far as they may be known.
- f) Coordination efforts with other local, regional, or State agencies, institutions, or organizations.
- g) A timetable for project completion.
- h) An itemized budget.

**Section 1523.80 Ecosystem Planning Grant Limitations, Award, and Notification**

Ecosystem Planning grants are limited to \$10,000. They will be awarded on a

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF ADOPTED RULES

first come-first served basis to eligible applicants subject to availability of funds, once a Scope of Work mutually agreeable to the applicant and the Department has been developed. The Director shall notify an applicant in writing when an agreed Scope of Work has been approved. The applicant will also be notified at that time or when funds are subsequently available of the Ecosystem Planning Grant Award.

**Section 1521.90 Ecosystem Project Grants**

Ecosystem Project Grants are competitively selected grants to conduct projects in Ecosystem Partnership Areas. Grant funds are provided on a reimbursement basis. Matching dollars are not required, although the rate of match will be considered as a competitive criterion. Ecosystem Projects are awarded in 5 categories: Habitat Projects, Research Projects, Outreach Projects, Resource Economics Projects, and Capital Projects. Because Capital Projects employ Capital Development Bond Funds, capital projects are limited to habitat protection or habitat enhancement projects that include land acquisition, acquisition of conservation easements or cost-share practices covered in the C2000 Natural Resources Cost-Share Program administrative rule (17 Ill. Adm. Code 1522). If Habitat or Capital Projects seek Ecosystem Project funding for habitat enhancement practices described in the Conservation 2000 - Natural Resources Cost-Share administrative rule, the conditions of installation and maintenance of the practices prescribed in the rule must be complied with, although the match requirements and dollar caps described in the rule shall not apply. If it is more expeditious to fund an Ecosystem Project with another municipal, State, or federal agency through an intergovernmental agreement, rather than a grant agreement, this mechanism may be utilized as an alternative, provided all other conditions for a grant agreement expressed herein are incorporated as conditions of the intergovernmental agreement.

**Section 1523.100 Ecosystem Project Grant Eligibility**

Any individual, organization, or corporation may apply for grants to undertake Ecosystem Projects within Ecosystem Partnership Areas.

**Section 1523.110 Ecosystem Project Grant Application Process**

Applications for Ecosystem Projects must be mailed to the Department of Natural Resources, Ecosystems Program and be postmarked on or before February 16 of the year preceding the fiscal year during which the applicant is requesting funding (e.g., by February 16, 1998 for Fiscal Year 1999 funding). Project applications must be completed on official forms to be considered for funding. Forms may be requested from the Department of Natural Resources, Ecosystems Program at the contact address and telephone number listed in Section 1523.180. Applications will not be accepted by facsimile machine. The Department may accept applications over the Internet.

**Section 1523.120 Ecosystem Project Grant Application**

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF ADOPTED RULES

- a) An applicant for an Ecosystem Project Grant must submit a description of the proposed Ecosystem Project on the required application. The application shall be prescribed by the Department and is available from the program contact location described in Section 1523.180 of this Part.
- b) The application shall at a minimum require:
  - 1) The name of the Ecosystem Partnership Area in which the Ecosystem Project is to be executed.
  - 2) The name and address of the applicant, and the name and address of a contact person if different than the applicant.
  - 3) A project title.
  - 4) A description of the proposed project.
  - 5) A project budget identifying, at a minimum, the requested amount of C2000 funds, any matching funds or in-kind labor.
  - 6) The attachment of maps, e.g., U.S. Geological Survey, 1:24,000 Topographic maps or county plat maps, and design plans that allow the site-specific assessment of potential natural resource impacts of projects that will alter vegetation or otherwise alter surface features.
- c) The application shall also identify allowed attachments beyond those required in Section 1523.120(b)(6) above. At the discretion of the Ecosystems Program Coordinator attachments not allowed will be removed before further consideration of the project. Applications submitted on previously approved versions of the form will be returned with a copy of the current form and allowed a maximum of 15 days for resubmittal. Forms submitted by the initial deadline that are incomplete or have inadequate maps or design plans to allow site specific review of alterations of vegetation or surface features will be returned to the applicant for completion or rectification and allowed a maximum of 15 days for resubmittal. Resubmitted applications that are incomplete or lack adequate maps or design plans to allow site-specific review of alterations of vegetation or surface features or are not received within the 15 calendar day extension will not be further considered for funding during that grant cycle.

**Section 1523.130 Review of Ecosystem Projects**

Applications received by the Department will be provided to the appropriate Local Partnership Council for review and recommendation to the Director, based on the Ecosystem Partnership's goals, objectives, and priorities. Each Local Partnership Council will provide a rank of high, Medium, or Low for each project. Amendments to applications recommended by the Ecosystem Partnerships made as a result of the partnership's review and agreed to by applicants may be made at this time. Department staff will also make recommendations for funding to the Director based on a review process and the collective evaluation of the following:

- a) The ratio of matching dollars and value of in-kind services to the requested C2000 dollars.



## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF ADOPTED RULES

- b) The project's Natural Resource Evaluation. The Natural Resource Evaluation is designed to assess the relative natural resource benefit of a project within each of the 5 Ecosystem Project Categories: Habitat, Research, Outreach, Resource Economics, and Capital.
- 1) The Natural Resource Evaluation for Habitat and Capital projects will take into consideration:

- A) Appropriateness of the project as reflected by the project's relationship to existing plans, Department policies and objectives, and current scientific understanding.
  - B) The duration of the habitat protection or improvement practice, and potential cumulative benefits in relation to previously funded practices.
  - C) The ecological ramifications of a project. For example, use of exotic species detracts from the ecological benefits of a project; use of native species enhances the ecological benefits of a project; multi-species benefits increase overall ecological benefits; and projects that address restoration of ecosystem functions offer the greatest benefits.
  - D) Relative cost effectiveness.
  - E) Follow-up monitoring of effectiveness of a project. Projects that include follow-up monitoring will receive greater consideration.
- 2) The Natural Resource Evaluation for Research projects will take into consideration:
- A) The degree to which the proposed research helps formulate or advance partnership goals and any existing watershed management goals or plans.
  - B) Validity of the research design and methodology.
  - C) Expertise of the investigators.
  - D) Appropriateness of the budget given the scope and time line for the project.
  - E) Availability of the research results. The results of the investigation must be made available to the Ecosystem Partnership and the Department, at a minimum, in a timely manner after completion of the research.
- 3) The Natural Resource Evaluation for Outreach projects will take into consideration:
- A) Relationship to a resource management plan or in the absence of a plan the Department's educational and/or resource management goals.
  - B) The breadth of the audience to be reached.
  - C) The quality of the educational materials to be produced.
  - D) Measures included to ensure technical accuracy of written materials and consistency with stated Department policies.
  - E) Efforts to assess the effectiveness of outreach efforts.
- 4) The Natural Resource Evaluation for Resource Economics projects will take into consideration:

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF ADOPTED RULES

- A) The relationship between the proposed project and the partnership's goals.
- B) The relationship between project cost and direct economic benefits to be generated.
- C) Validity of models and statistical techniques employed in forecasting economic benefits.
- D) The potential applicability of project results to other partnerships.
- c) The project's Partnership Performance Evaluation. The Partnership Performance Evaluation is based primarily on the Local Partnership Council Rank, but may also consider:
  - 1) The relationship between the Ecosystem Partnership's stated goals and any published watershed plan endorsed by the partnership.
  - 2) Consistency with the watershed approach.
  - 3) The participation of volunteers (whose efforts have not been included as in-kind match) in implementation.
  - 4) The participation of multiple partners with a high level of coordination between partners.
  - 5) Whether an applicant has previously received funding under this program, and if so, the past performance.
  - 6) The potential for educational interpretation of amenities to be developed as part of the project.
- d) The relative distribution of requests between the 5 Ecosystem Project categories and the distribution of highly ranked projects within each of the 5 project categories.
- e) Results of the Department's Comprehensive Environmental Review Process (CERP). The CERP assesses the potential for negative natural resource impacts and project conformance with other natural resource regulatory statutes.
- f) Other factors, such as special funding, relationship to Departmental initiatives and plans including the Statewide Outdoor Recreation Partnership Plan, potential value to other partnerships, etc., will be considered, when applicable, to the selection of projects.

## Section 1523.140 Selection and Notification of Ecosystem Project Grant Awards

The Director shall select projects for funding based on the recommendations of the Ecosystem Partnerships and of Department staff participating in the evaluation processes described above. Project selections will be publicly announced and successful applicants will be notified. Upon notification successful applicants will be provided with an outline for a Scope of work that will be used to develop a grant agreement that will be mailed to the applicant. The applicant must sign and return the grant agreement, but must not begin work until it receives a fully executed copy signed by the Director.

## Section 1523.150 Ecosystem Partnership Support Grants

Upon a determination by the Director that it will benefit the work of the

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF ADOPTED RULES

Ecosystem Partnerships and subject to sufficient funding, the Department may provide grants of equipment, supplies, training, services, or other support to Ecosystem Partnerships. The Department shall formulate the conditions of the grant agreement and make Ecosystem Partnership Support Grants available, subject to the conditions of the grant agreements, on either a first come-first served basis or a competitive basis subject to the same review criteria outlined for Ecosystem Project Grants in Section 1523.130.

#### Section 1523.160 Ecosystem Planning, Project, and Support Grant Execution and Reimbursement

Payment of grant funds will be on a reimbursement basis. However, up to 40% of the granted dollars may be advanced upon a determination that the applicant is prepared to carry out the conditions of the grant. The Director may determine that a higher rate of advanced payment is warranted if it is in the interest of the Department. No work is to begin until a grant agreement has been fully executed between the applicant and the State of Illinois. Work begun before the date of execution of the grant agreement is not reimbursable.

a) At the Department's discretion and with the Department's written approval, expenditures made by the applicant in support of an awarded project made after the date of the press release announcing the award, but before the execution of a grant agreement, may be counted toward the required match. Reimbursement will be pro-rated should the applicant fail to expend the identified match dollars. To initiate a payment under the grant agreement, whether it be an advance payment, interim payment, or final payment, it must be requested through the Ecosystem Coordinator appointed to each Ecosystem Partnership.

b) For approval of an advance payment the applicant must provide evidence of its capacity to begin implementation of a project. For reimbursement payments for completed work, beyond any advance payment and up to and including final payment, evidence of progress toward project completion as outlined in the grant agreement, evidence of expenditure of matching dollars, and signed receipts for all expenditures must accompany all requests for reimbursement. Reimbursements for travel, lodging, and/or per diem shall not be above prevailing State rates set by the Governor's Travel Control Board. Upon signing of the reimbursement request by the Ecosystem Coordinator, the reimbursement request and all supporting documentation must be forwarded to the Ecosystems program at the contact address provide in Section 1523.180. If the supporting documentation is in order, the Ecosystems Program Manager will process a voucher for payment by the Comptroller. For final payment on a completed project, a final report must be received and approved by the Ecosystem Coordinator. The final report shall contain details of the methods used to fulfill the grant agreement and documentation of completion of the project in accordance with the terms and conditions of the grant agreement.

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF ADOPTED RULES

#### Section 1523.170 Ecosystem Planning, Project, and Support Grant Compliance Requirements

All recipients of Ecosystem Planning, Ecosystem Project or Ecosystem Partnership Support Grants must comply with the following program requirements:

- a) The grantee must notify the media that the Ecosystem Planning Process or Ecosystem Project received funding from the State of Illinois, Department of Natural Resources, Conservation 2000 Fund. All publications, written documents, news articles, TV and radio releases, interviews and personal presentations that relate to this project must credit the Department and Conservation 2000. A notice crediting property or interest in real property purchased under the program. b) The grantee must provide a written report to the Department by December 31 of each of the first four years for grants or agreements that include the purchase of equipment and/or computer software. Equipment and/or computer software usage reports must include a description of the material, a description of habitat management accomplished, resources protected, theft prevention measures, property and license controls, and a quantitative measure of equipment and/or software usage. Equipment and/or software purchased by the grantee, under the terms of a grant, shall become the property of the grantee. Equipment and/or software acquired under this program may not be employed for commercial purposes, and may only be used for purposes similar to those described in the Ecosystem Planning or Ecosystem Project Grant Agreement.
- c) The grantee must provide a written report to the Department within 90 days after receipt of notice of the award of Conservation 2000 Funds for conservation or habitat practices, land acquisition or a conservation easement. The report shall be for the portion(s) of the property covered by a practice, acquisition or easement funded in part or solely by the Department. The report shall include specifics on the project site, ownership, conditions, changes, and any issues specified in the grant agreement. Thereafter, the grantee must provide a written report containing the same information required above, once every 5 years to the Department, throughout the life of the practice, throughout the duration of the easement, or as long as the acquisition is held in the grantee's ownership. It shall be the obligation of the grantee to ensure that the reporting requirements shall also be binding on any successors or assigns.
- d) If the purchase of equipment and/or computer software is part of an Ecosystem Planning, Ecosystem Project or Ecosystem Partnership Support Grant, and the cost of that equipment and/or software, individually or in aggregate from the same vendor, meets or exceeds \$10,000, the equipment must either be purchased through an established State, federal or municipal procurement process, or purchased through a competitive procurement process. In the latter case, documentation of invitation, submission, opening, evaluation, correction, withdrawal,

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF ADOPTED RULES

and award of bids will be required for reimbursement.

- e) If the purchase of professional or artistic services, computer equipment, software or services, or telecommunication equipment, software or services is identified as a project component, the grantee must develop a written process for the solicitation of competitive sealed proposals, unless the grantee determines, in writing, that competitive sealed bidding for a single other procurement is not practical or advantageous; or the grantee determines, in writing, that sole source procurement is the most economically feasible solution.
- f) All equipment, materials, supplies or personal property purchased through the C2000 program is subject to retrieval by the Department and/or reassignment by the Director upon dissolution of the grantee, future abandonment of the Ecosystem Planning Process, Ecosystem Project or Ecosystem Support Function, or as a result of grantee non-compliance with the terms and conditions of the grant. All property retrieved by the Department shall be reassigned by the Director for uses as similar as possible to the original Ecosystem Planning Process, Ecosystem Project or Ecosystem Support purposes.
- g) Any real property or interest in real property purchased with State funds under the C2000 program must be available for inspection by Department staff to determine compliance with provisions of the purchase and/or provisions of the grant. Any diversion of such property from its stated uses shall be grounds for recovery of the funds granted toward purchase of the property. The grantee shall replace the property, upon a determination that a diversion has occurred, if the diversion is not addressed to the Department's satisfaction. The Department shall provide written acceptance of the proposed replacement property. Failure to comply with the notification and request for repayment will render the grantee ineligible for participation in this or any other Departmental grant or cost-share programs. Should the grantee fail to repay the granted funds plus interest, the Department may avail itself of judicial means of recovery.
- h) The grantee is fully responsible for and must assume all operation and maintenance costs and responsibilities associated with an Ecosystem Planning Process, Ecosystem Project or Ecosystem Partnership Support Grant. The Department will not be responsible for any operation and maintenance costs associated with an Ecosystem Planning Process, Ecosystem Project, or Ecosystem Partnership Support Function, unless that project has been implemented upon Department property, and only with approval prior to submission of the application for the project.
- i) Any Conservation 2000 monies not expended or legally obligated at the completion of an Ecosystem Planning Process or Ecosystem Project, or during the term of an Ecosystem Partnership Support Grant, must be returned to the Department for deposit in the Conservation 2000 Fund within 45 days. Any expenditure by the grantee that does not comply with the grant will be disallowed and must be returned to the Department for deposit in the Conservation 2000 Fund. Conservation

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF ADOPTED RULES

- 2000 Fund monies received as an advance payment shall become part of the project principal and must be reported as a part of expenditure documentation. In accordance with Section 10 of the Illinois Grant Funds Recovery Act [30 ILCS 705/10] all interest earned on funds held by the grantee shall become part of the grant when earned. Any interest earned under the grant and not expended as grant principal during the term of the grant shall be returned to the Department.
- j) No equipment, materials, supplies or real property purchased as part of an Ecosystem Project or Ecosystem Partnership Support Grant shall be transferred or disposed of or used in a manner other than specified by the grant without approval of the Director.
- k) If Department funds are used, partially or solely, to install land management practices on a property or acquire interests in real property, the grantee cannot develop or use that property in a manner that is not compatible with sustaining the practices or with perpetuating the ecological conditions that were preserved through the acquisition, respectively, unless otherwise specified in the terms and conditions of the grant. No changes or disturbance will be allowed by the grantee on that portion of the property covered by a Ecosystem Project, unless otherwise stipulated in the terms and conditions of the grant, without the written approval of the Director of the Department of Natural Resources. The terms and conditions of this grant shall be binding on the grantee and any successors or assigns of interests in the real property.
- l) If the grantee possesses the discretionary authority in the terms and conditions to allow the owner of any outstanding interest in real property acquired through an Ecosystem Project to do capital improvements, remove vegetation, disturb soil or similar activities, the grantee shall consult with the Department at least 60 days in advance of providing such approvals. The Department shall reply to the grantee, in writing, pursuant to the proposed action of the owner. Department of Natural Resources representatives must have access to an Ecosystem Project at any reasonable time during project development and after completion to assess progress or to ensure continuing compliance with program requirements.
- n) Before informational, media, or publicity materials associated with an Ecosystem Planning, Ecosystem Project or Ecosystem Partnership Support Grant are printed, released or otherwise duplicated, the Department must review and approve such material. All such materials must credit the Department and Conservation 2000.
- o) The grantee of an Ecosystem Planning or Ecosystem Project Grant must prepare a Scope of Work document for inclusion in the grant agreement. The Scope of Work document must include, at minimum, the location, schedule, process, procedures, staff, subgrantees, budget, and end product of the project being funded by Conservation 2000 Funds.
- p) The grantee of an Ecosystem Planning, Ecosystem Project or Ecosystem Partnership Support Grant must certify, in writing, that it will comply with all the terms and conditions of the grant agreement for

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF ADOPTED RULES

that grantee's specific project.

## Section 1523.180 Program Information/Contact

Illinois Department of Natural Resources  
Office of Realty and Environmental Planning  
Conservation 2000, Ecosystems Program  
Lincoln Tower Plaza  
524 South Second Street  
Springfield IL 62701-1787  
Telephone: 217-782-7940

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Duck, Goose and Coot Hunting

- 2) Code Citation: 17 Ill. Adm. Code 590

- 3) Section Numbers:      Adopted Action:  
590.10                      Amendments  
590.20                      Amendments  
590.40                      Amendments  
590.50                      Amendments  
590.60                      Amendments  
590.80                      Amendments

- 4) Statutory Authority: Implementing and authorized by Sections 1.3, 1.4, 1.13, 2.1, 2.2, 2.18, 2.19, 2.20, 2.33, 3.5, 3.6, 3.7, 3.8, and 3.10 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.13, 2.1, 2.2, 2.18, 2.19, 2.20, 2.23, 2.33, 3.5, 3.6, 3.7, 3.8, and 3.10], and Migratory Bird Hunting (50 CFR 20, effective September 26, 1990).

- 5) Effective Date of Amendments: August 26, 1999

- 6) Does this rulemaking contain an automatic repeal date? No

- 7) Does this amendment contain incorporations by reference? No

- 8) A copy of the adopted amendments, including all material incorporated by reference is on file in the Department of Natural Resource's principal office and is available for public inspection.

- 9) Notice of Proposal Published in Illinois Register: May 21, 1999, 23 Ill. Reg. 5986

- 10) Has JCAR issued a Statement of Objections to these amendments? No

- 11) Differences between proposal and final version:

Main Source Note: changed to read "amended at 23 Ill. Reg."

590.10(a) - changed "U.S.C." to "USC" in two places and removed "and 50 CFR 21"

590.10(e) - added comma following "BB" in two places; removed "or" and capitalized Federal Register.

590.10(h) - removed "/"

590.10(j) - added comma following "and"; removed "590.10" and added comma following "(h)"

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF ADOPTED AMENDMENTS

590.10(l)(1)(2) - Added at end of subsection: "Hunters who take 3 Canada geese in one day must mark with an "x" in indelible ink or punch or slit their permit on or above the line immediately above the dates where the other 2 geese that were taken were marked."

590.10(n) - changed "50 CFR 21" to "21"

590.20(c)(9) - change "10" to "5"; and add "for every Canada goose allowed in the daily bag limit" following "shot shells"

590.40(a)(6) - deleted space prior to "3:30"

590.40(b)(7) - added comma following "Day"

590.50(a) - added comma following "length" and deleted comma following "31"

590.50(b)(6) - added comma following "Day" and added "and" prior to "except"

590.60(b)(6) - added "a" prior to "free"

590.60(b)(9)(B) - deleted subsection and relabeled subsections accordingly

590.60(b)(9)(G) - added comma following "Day" and changed "subsection" to "Section"

590.60(b)(16)(H) - changed "10" to "5" and added "for every Canada goose allowed in the daily bag limit" following "shells"

590.60(b)(17)(B) - changed "10" to "5" and added "for every Canada goose allowed in the daily bag limit" following "shells"

590.60(b)(22)(B) - added comma following "persons"; added comma following "Day"; and changed "subsection" to "Section"

590.60(b)(22)(C) - changed "serve" to "served" and added a comma following "season"

590.60(b)(24)(D) - added comma following "Day" and changed "subsection" to "Section"

590.60(b)(28)(J) - changed "10" to "5" and added "for every Canada goose allowed in the daily bag limit" following "shells"

590.60(b)(31)(D) - changed "four" to "4"

590.60(b)(32)(C) - changed "serve" to "served"

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF ADOPTED AMENDMENTS

590.60(b)(32)(U) - changed "10" to "5" and added "for every Canada goose allowed in the daily bag limit" following "shells"

590.60(b)(38)(D) - changed "10" to "5" and added "for every Canada goose allowed in the daily bag limit" following "shells"

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes

13) Will this rulemaking replace an emergency amendment currently in effect? No

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Rulemaking: This Part is being amended to add new regulations concerning shot size, update statewide regulations, open and close sites to hunting, and update site-specific regulations.

16) Information and questions regarding these adopted amendments shall be directed to:

Jack Price  
Department of Natural Resources  
524 S. Second Street, Room 430  
Springfield IL 62701-1787  
217/782-1809

The full text of the adopted amendments begins on the next page:



## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF ADOPTED AMENDMENTS

TITLE 17: CONSERVATION  
CHAPTER 1: DEPARTMENT OF NATURAL RESOURCES  
SUBCHAPTER B: FISH AND WILDLIFE

PART 590  
DUCK, GOOSE AND COOT HUNTING

Section  
590.10 Statewide Regulations  
590.15 Duck, Goose and Coot General Hunting Regulations on Department-Owned and -Managed sites listed in Sections 590.40 and 590.50  
590.20 Permit Controlled Department Sites Only - Duck, Goose and Coot Hunting  
590.25 Illinois Youth Waterfowl Hunting Permit Requirements  
590.26 Illinois Youth Duck Hunting Permit Requirements (Repealed)  
590.30 Duck, Goose and Coot General Hunting Regulations on all Department-Owned and -Managed Sites (Repealed)  
590.40 Check Station Department Sites Only - Duck, Goose and Coot Hunting  
590.50 Non-Check Station Department Sites Only - Duck, Goose and Coot Hunting  
590.60 Various Other Department Sites - Duck, Goose and Coot Hunting  
590.70 Ohio River  
590.80 Early and Late Goose (all species) Hunting Regulations on Department Sites

## EXHIBIT A The Non-Toxic Shot Zones of Illinois (Repealed)

AUTHORITY: Implementing and authorized by Sections 1.3, 1.4, 1.13, 2.1, 2.2, 2.18, 2.19, 2.20, 2.23, 3.5, 3.6, 3.7, 3.8, and 3.10 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.13, 2.1, 2.2, 2.18, 2.19, 2.20, 2.23, 3.5, 3.6, 3.7, 3.8, and 3.10], and Migratory Bird Hunting (50 CFR 20, effective September 26, 1990).

SOURCE: Adopted at 5 Ill. Reg. 8857, effective August 25, 1981; emergency amendment at 5 Ill. Reg. 11386, effective October 14, 1981, for a maximum of 150 days; codified at 5 Ill. Reg. 10638; Part repealed at 6 Ill. Reg. 9647, effective July 21, 1982; new Part adopted at 6 Ill. Reg. 11865, effective September 22, 1982; amended at 7 Ill. Reg. 13229, effective September 28, 1983; emergency amendment at 7 Ill. Reg. 13948, effective October 6, 1983, for a maximum of 150 days; emergency expired March 3, 1984; amended at 8 Ill. Reg. 19869, effective September 26, 1984; amended at 9 Ill. Reg. 14242, effective September 5, 1985; emergency amendment at 9 Ill. Reg. 15062, effective September 25, 1985; emergency amendment at 9 Ill. Reg. 15928, effective October 8, 1985, for a maximum of 150 days; emergency expired March 5, 1986; amended at 10 Ill. Reg. 16586, effective September 22, 1986; emergency amendment at 10 Ill. Reg. 17773, effective September 26, 1986, for a maximum of 150 days; emergency expired February 23, 1987; amended at 11 Ill. Reg. 10560, effective May 21, 1987; emergency amendment at 11 Ill. Reg. 15442, effective August 28, 1987, for a maximum of 150 days; emergency expired January 25, 1988; amended at 12 Ill. Reg. 12200, effective July 15, 1988; emergency amendment at 12 Ill. Reg. 16233, effective September 23, 1988, for a maximum of 150 days; emergency

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF ADOPTED AMENDMENTS

expired February 20, 1989; emergency amendment at 12 Ill. Reg. 22244, effective December 7, 1988, for a maximum of 150 days; emergency expired May 6, 1989; amended at 13 Ill. Reg. 10525, effective June 20, 1989; amended at 13 Ill. Reg. 14925, effective September 7, 1989; emergency amendment at 13 Ill. Reg. 16579, effective October 4, 1989, for a maximum of 150 days; emergency expired March 3, 1989; amended at 13 Ill. Reg. 17354, effective October 27, 1989; amended at 14 Ill. Reg. 638, effective January 2, 1990; amended at 14 Ill. Reg. 13529, effective August 13, 1990; emergency amendment at 14 Ill. Reg. 17029, effective September 26, 1990, for a maximum of 150 days; emergency expired February 23, 1991; amended at 15 Ill. Reg. 1487, effective January 22, 1991; amended at 15 Ill. Reg. 13293, effective September 3, 1991; emergency amendment at 15 Ill. Reg. 16745, effective November 5, 1991, for a maximum of 150 days; emergency expired April 3, 1992; amended at 16 Ill. Reg. 570, effective December 31, 1991; amended at 16 Ill. Reg. 12491, effective July 28, 1992; emergency amendment at 16 Ill. Reg. 16672, effective October 15, 1992, for a maximum of 150 days; emergency expired March 9, 1993; emergency amendment at 16 Ill. Reg. 18851, effective November 17, 1992, for a maximum of 150 days; emergency expired April 11, 1993; emergency amendment at 17 Ill. Reg. 1658, effective January 20, 1993, for a maximum of 150 days; emergency expired June 14, 1993; amended at 17 Ill. Reg. 16443, effective September 27, 1993; emergency amendment at 17 Ill. Reg. 18867, effective October 14, 1993, for a maximum of 150 days; emergency expired March 13, 1994; amended at 18 Ill. Reg. 10023, effective June 21, 1994; emergency amendment at 18 Ill. Reg. 15161, effective September 27, 1994, for a maximum of 150 days; emergency expired February 23, 1995; amended at 19 Ill. Reg. 13209, effective September 11, 1995; amended at 20 Ill. Reg. 754, effective December 29, 1995; recodified by changing agency name from Department of Conservation to Department of Natural Resources at 20 Ill. Reg. 9389; amended at 20 Ill. Reg. 14417, effective August 30, 1996; amended at 21 Ill. Reg. 578, effective December 30, 1996; amended at 21 Ill. Reg. 11713, effective August 12, 1997; amended at 22 Ill. Reg. 2182, effective January 2, 1998; amended at 22 Ill. Reg. 15961, effective August 24, 1998; amended at 22 Ill. Reg. 21881, effective December 3, 1998; emergency amendment at 23 Ill. Reg. 3092, effective March 10, 1999, for a maximum of 150 days; emergency expired July 30, 1999; amended at 23 Ill. Reg. **11195**, effective **AUG 26 1999**.

## Section 590.10 Statewide Regulations

a) Pursuant to Section 2.18 of the Wildlife Code (520 ILCS 5/2.18), it shall be unlawful to take, possess, transport, or use migratory waterfowl except during such period of time and in such manner and numbers as may be provided in the Federal "Migratory Bird Treaty Act" (16 USC 452-456; 703-711), the "Migratory Bird Hunting Stamp Act" (16 USC 452-456; 71718 et seq.), and annual "Rules and Regulations for Migratory Bird Hunting" (50 CFR 20 and 21) (collectively referred to in this Part as federal regulations) (no incorporation in this Part includes later amendments or editions), or contrary to any State regulations made in the Wildlife Code.

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF ADOPTED AMENDMENTS

- b) The regulations in Section 2.33 of the Wildlife Code on illegal devices shall apply to this rule, unless federal regulations are more restrictive.
- c) Duck, goose and coot regulations are in accordance with Federal Regulations (50 CFR 20) unless the regulations in this Part are more restrictive.
- d) It shall be unlawful while attempting to take migratory waterfowl or coots to have in possession any shotgun shells not approved as non-toxic by federal regulations.
- e) It shall be unlawful to possess any shotgun shell loaded with a shot size larger than bismuth BB, tungsten-iron BB, or tungsten-polymer BB, tungsten-matrix BB, or tin BBH (if authorized via Federal Register) when attempting to take waterfowl.
- f) Emergency Closure  
The Department of Natural Resources (Department or DNR) will close the Canada goose season giving 48 hours notice when quotas established by federal regulations are reached, when harvest in any area is excessive due to extreme weather conditions or when a serious outbreak of infectious disease occurs, such as avian cholera or duck virus enteritis.
- g) Closed Areas  
Closed areas, including waterfowl refuges and rest areas, may be designated at certain sites in accordance with 17 Ill. Adm. Code 510. Boundaries of these closed areas will be posted.
- h) Commercial Migratory Waterfowl Hunting Area Permits  
1) The holder of a permit shall forward information on harvest and hunters to the Department, by phone or on forms furnished by the Department, at times required by the Department. The Department shall give the permit holder reasonable written notice of the dates reports are required. Failure to timely supply such reports will make the permit holder subject to revocation of his permit and suspension of the privilege to hold the permit for up to 5 years.
- 2) On any property where the principal waterfowl harvest is wild geese, it is the permit holder's duty to ensure that not more than 5 persons occupy or attempt to take wild geese from any blind or pit at the same time during the Canada goose season.
- 3) The Department may assign the maximum potential Canada goose harvest (number registered pits x 5 hunters x Canada goose bag limit) to the cumulative quota zone harvest for each day a club is late in reporting.

## i) Waterfowl Hunting Zones:

- 1) North Zone - That portion of the State north of a line running east from the Iowa border along Illinois Route 92 to U.S. Interstate 280, east along U.S. Interstate 280 to U.S. Interstate 80, then east along U.S. Interstate 80 to the Indiana border.
- 2) Northern Illinois Quota Zone - DuPage, Kane, Lake, and McHenry counties, and those portions of LaSalle and Will counties north

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF ADOPTED AMENDMENTS

- of I-80.
- 3) Central zone - That portion of the State south of the northern zone boundary to the Mocc Ferry route on the Mississippi River and east along the Mocc Ferry Road to Mocc Road to St. Leo's Road to Illinois Route 3, then north to Illinois Route 159, then north to Illinois Route 161, then east to Illinois Route 4, then north to U.S. Interstate 70, then east along U.S. Interstate 70 to the Bond County line, north and east along the Bond County line to Fayette County, north and east along the Fayette County line to Effingham County, east and south along the Effingham County line to U.S. Interstate 70, then east along U.S. Interstate 70 to the Indiana border.
- 4) Central Illinois Quota Zone - Calhoun, Cass, Fulton, Jersey, Knox, Mason, Morgan, Peoria, Pike, Tazewell, and Woodford counties, as well as those portions of LaSalle, Grundy, and Will counties south of I-80.
- 5) South Zone - From the southern boundary of the Central Zone south to the remainder of the State.
- 6) Rend Lake Quota Zone - all lands and waters in Franklin and Jefferson Counties.
- 7) Northeastern Illinois Canada Goose Zone - All lands and waters in the counties of Cook, DuPage, Grundy, Kankakee, Kane, Kendall, Lake, McHenry and Will.
- 8) Southern Illinois Quota Zone - Alexander, Union, Williamson, and Jackson Counties.
- j) No person during the open season shall take or attempt to take wild geese in the Rend Lake Canada Goose Quota Zone and Southern Illinois Quota Zone except between legal opening and the hour of 3:00 p.m. except during the last three days of the Canada goose season and during any goose seasons that occur after the Canada goose season, hunting hours shall close at sunset daily, and during any Canada Goose Season set in September, hunting hours shall close daily at sunset and, during special light goose seasons as indicated in subsection (d), hunting hours shall close at one-half hour after sunset daily.
- k) On any property where the principal waterfowl harvest is wild geese in the Rend Lake Quota Zone and the Southern Illinois Quota Zone, no more than 5 persons shall occupy or attempt to take wild geese from any blind or pit at the same time during the Canada goose season.
- l) The following apply in the Northern and Central Illinois Quota Zones:
- 1) It is unlawful to hunt Canada geese during seasons after September 15 without having in possession a current season's permit to hunt Canada geese, unless exempt from a State waterfowl stamp. Such permits are not transferable and are not valid unless they contain the hunter's name, signature, date of birth, and the same State waterfowl stamp number that is on the State waterfowl stamp that is signed by the hunter or affixed to his/her license.
- 2) Immediately upon taking possession of a harvested Canada goose,

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF ADOPTED AMENDMENTS

hunters must mark with indelible ink, punch or slit the Permit to Hunt to indicate the date of kill (one date for each goose harvested) and zone where killed. Hunters who take 3 Canada geese in one day must mark with an "x" in indelible ink or punch or slit their permit on or above the line immediately above the dates where the other 2 geese that were taken were marked.

- 3) Hunters must report their kill on the same calendar day the geese are taken within--24 hours by calling 1-800-WFTAND (938-5263). Hunters must report the number of geese taken, date and zone where taken.

m) Registration in the U.S. Fish and Wildlife Service Migratory Bird Harvest Information Program (HIP) is required for those persons who are required to have a hunting license before taking or attempting to take ducks, geese or coots. Instructions for registering are provided with issuance of hunting license.

n) If 50 CFR 20.40 or 21 allows light goose seasons to be liberalized, snow geese, blue geese and Ross geese may be taken in accordance with federal regulations regarding hunting hours, method of taking and bag limits through March 31.

(Source: Amended at 23 Ill. Reg. **11195**, effective August 26, 1999)

### Section 590.20 Permit Controlled Department Sites Only - Duck, Goose and Coot Hunting

- a) Sites covered in this Section, which allow hunting by permit only, are:

Banner Marsh Fish and Wildlife Area (for--the--1998-1999--season) permits--will--be--issued--through--random--daily--drawings--at--the--site at--5:00--a.m.--and--the--permit--requirements--in--subsections--(b)(1) and--(b)(45)--do--not--apply

Sangchris Lake State Park subimpoundment

Snake Den Hollow State Fish and Wildlife Area

Union County Conservation Area

#### b) Permit Requirements

- 1) Permit reservations shall be accepted starting in September. Initial acceptance dates and methods for making reservations will be publicly announced. Only applications for reservations submitted by Illinois residents will be processed during the first two weeks of the application period. Applicants making reservations will be sent confirmation.
- 2) Permits shall be issued until the daily quota is filled. The

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF ADOPTED AMENDMENTS

daily quota is determined by the formula: one hunter per 10 to 40 huntable acres. Huntable acres are determined by, but not limited to, the biological studies on the number of the species available; the condition, topography, and configuration of the land at the site; the condition of the roads at the site; the number of employees available to work at the site; and the number of blinds which can be established on a site as set forth in Section 3.8 of the Wildlife Code [520 ILCS 5/3.8].

- 3) The permit shall be for the use of the entire blind. It shall be the responsibility of the permit holder to bring one partner (two persons per blind) for Snake Den Hollow State Fish and Wildlife Area and Union County, or three partners (four persons per blind) for Banner Marsh and Sangchris Lake State Park subimpoundment. Unfilled blinds shall be filled by a drawing at the sites.

4) Permits are not transferable.

- 5) Permits will be issued from the Springfield Permit Office for permit-controlled sites. For other information write to:

Illinois Department of Natural Resources  
Permit Office - Waterfowl  
P.O. Box 19457  
Springfield, IL 62794-9457

#### c) General regulations

- 1) All use other than permit hunting is prohibited at Snake Den Hollow from October 1 through close of Fulton-Knox County goose season.

- 2) Hours, Permits and Stamp Charges

A) Hunting hours are from legal opening time until 1:00 p.m.  
B) At Snake Den Hollow from opening day through December 14, hunters with permit reservations are required to check in at the check station between 4:30 a.m. and 5:00 a.m. Permits are void after 5:00 a.m. From December 15 through the close of goose seasons, hunters with permit reservations are required to check in at the check station between 5:00 a.m. and 5:30 a.m. Permits are void after 5:30 a.m. At Banner Marsh Fish and Wildlife Area and Union County Conservation Area hunters with permit reservations are required to check in at the check station between 4:30 a.m. and 5:00 a.m. Permits are void after 5:00 a.m. A drawing shall be held to allocate blind sites at all sites. At Sangchris Lake State Park subimpoundment hunters must be checked in 90 minutes before legal hunting hours (2 hours before sunrise). Permits are void after this time.

C) A \$15 Daily Usage Stamp must be purchased at Snake Den Hollow State Fish and Wildlife Area and Union County Conservation Area.

D) A \$10 Daily Usage Stamp must be purchased at Banner Marsh

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF ADOPTED AMENDMENTS

Fish and Wildlife Area and Sangchris Lake State Park subimpoundment.

- 3) Hunting shall be done from assigned blinds only and hunters shall not move from blind to blind or leave the blind and return.
- 4) Guns must be unloaded and encased at all times when not hunting.
- 5) The legal hunting season for Union County Conservation Area is the dates of the Quota zone goose hunting season except that the areas shall be closed on Mondays and December 24, 25, 26 and the first weekday after December 26 other than a Monday. (This site shall be open only for the Illinois Youth Goose Hunt on the first weekday after December 26 other than a Monday, pursuant to Section 590.25.)
- 6) The legal hunting season at Snake Den Hollow is the dates of the Central Zone Patton-Mox-Century goose hunting zone except that the area shall be closed on Tuesdays, Wednesdays, and December 24, 25 and 26.
- 7) The legal hunting season at Banner Marsh is the dates of the central zone duck hunting season.
- 8) The legal hunting season for the Sangchris Lake subimpoundment is the opening day of the Central Zone Duck Hunting Season, Tuesdays, Saturdays and the last day of the Central Zone Duck Hunting Season.
- 9) Hunters may not possess more than 5# shot shells for every Canada goose allowed in the daily bag limit at Union County Conservation Area and Snake Den Hollow.
- 10) Hunters without their guns may leave the blind to retrieve crippled waterfowl at Union County Conservation Area.
- 11) Hunters must be at least 16 years of age (except for the Illinois Youth Goose/Duck Hunt) to draw for a pit or blind. Each person under 16 years of age must be accompanied by a supervising adult.

(Source: Amended at 23 Ill. Reg. 11205, effective AUG 26 1999)

**Section 590.40 Check Station Department Sites Only - Duck, Goose and Coot Hunting**

- a) The sites listed in this Section conform to Statewide Regulations (Section 590.10) and General Department Regulations (Section 590.15), except as noted in parentheses and in the remainder of this Section. Daily hunting hours close at 1:00 p.m. unless otherwise indicated in parentheses below.
  - 1) Anderson Lake Conservation Area - All Management Units (previous years blind builders shall have until February 1 to salvage blind materials)
  - 2) Batchtown (1:30 p.m. closing; Central Standard Time (CST)) (3 year blind allocation period)

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF ADOPTED AMENDMENTS

- 3) Calhoun Point (3:30 p.m. CST closing) (3 year blind allocation period)
- 4) Glades (3:30 p.m. CST closing) (3 year blind allocation period)
- 5) Godar-Diamond (3:30 p.m. CST closing) (3 year blind allocation period)
- 6) Horseshoe Lake - Madison County (3:30 p.m. CST closing; 3 year blind allocation)
- 7) Lake DePue
- 8) Marshall County Conservation Area - (previous years blind builders shall have until February 1 to salvage blind materials) - Spring Branch Unit
- 9) Wazonia State Fish and Wildlife Area (previous years blind builders shall have until February 1 to salvage blind materials; goose hunting prohibited before and after duck season; closed Mondays and Tuesdays)
- 10) Rice Lake Conservation Area (previous years blind builders shall have until February 1 to salvage blind materials)
- 11) Sanganio State Fish and Wildlife Area (check station and walk-in areas, hunters are not required to hunt from a blind site during goose seasons held after the duck season)
- 12) Spring Lake (previous years blind builders shall have until February 1 to salvage blind materials; during the waterfowl season, the maximum horsepower limit for outboard motors on the lake is 25 h.p.; no goose hunting prior to duck season)
- 13) Stump Lake (3 year blind allocation period; 3:30 p.m. CST closing)
- 14) Woodford County Fish and Wildlife Area (previous year's blind builders have until February 1 to salvage blind materials)
- 15) William Powers Conservation Area (legal closing) (previous years blind builders shall have until May 1 to remove blinds in their entirety, including support posts; failure to comply will result in the blind builder and partners for that blind losing privilege of being a blind builder or partner at this site for the following year; no goose hunting prior to duck season; hunting from boat blinds is permitted within 10 feet of the following numbered marked blind sites: 4, 5, 7, 8, 11, 12, 14, 16, 17, 18, 19, 20, 21, 22, 23; all hunters must check in prior to occupying blind and must check out no later than one hour after legal closing time)

b) The following regulations apply to all sites listed in this Section under subsection (a):

- 1) All hunters must report to the check station to fill out information cards and to turn in hunting licenses or firearm Owner's Identification Cards before proceeding to blinds. Beginning the day after duck season ends, when the check station is not operating, unclaimed blinds shall be allocated on a first come-first served basis, as per Section 590.50(b)(1), (2) and (3). Goose hunters must sign in prior to hunting and sign out and



## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF ADOPTED AMENDMENTS

- report their harvest at the end of each day's hunt.
- 2) Registered blind builders or partners desiring to claim their blinds must report to the check station at least one hour before hunting each day and occupy that blind for at least one hour. Hunters wishing to move to another blind during their daily hunt must report back to the check station for reassignment.
  - 3) All hunting must be from registered blinds only and hunters must occupy their blinds within one hour after registering at the check station.
  - 4) All hunters must be checked out within one hour of the close of the legal hunting hours. At this time waterfowl and coots bagged must be checked and hunting licenses or Firearm Owner's Identification Cards shall be returned.
  - 5) It shall be unlawful to trespass upon the designated duck hunting area during the 7 days prior to the regular duck season as posted at the site. At Mississippi River Area Pools 25 and 26 it shall be unlawful to trespass upon the designated duck hunting area between sunset of the Sunday immediately preceding opening day of regular duck season through the day before regular duck season as posted at the site.
  - 6) It shall be unlawful to trespass upon areas designated as waterfowl rest areas or refuges from two weeks prior to the start of regular duck season through the close of regular duck and Canada goose season.
  - 7) No more than 4 persons shall occupy a blind at one time, except on the statewide Youth Waterfowl Hunting Day, as authorized in Section 590.15(f), 5 persons may occupy a blind at one time only if the party is comprised of 2 youth hunters, their non-hunting parents and one non-hunting guide.
  - 8) Blind sites shall be allocated for a period of one year unless otherwise noted in parentheses under subsection (a).
  - 9) During duck season, blinds not claimed by the builder or partners by one hour before hunting time shall be assigned by a drawing at this time and during the hours from 8:00 a.m. to 11:00 a.m., except at Batchtown, Calhoun Point, Glades, Godar-Diamond, Horseshoe Lake State Park (Madison County) and Stump Lake (9:00 a.m.-11:00 p.m.) after which time the area shall be closed to additional hunters.
  - 10) Previous year's blind builders shall have until 7 days after the next allocation period drawing to salvage materials from their blinds, except as listed in parentheses under subsection (a). After this date, all materials become the property of the new blind builder or the Department.
  - 11) For those sites listed in this subsection that have 3 year blind allocation periods, re-registration of blind sites during the non-draw years must be accomplished in person during a publicly announced period. Failure to re-register during the prescribed

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF ADOPTED AMENDMENTS

period will result in the loss of blind site. Registrants must present current year's Illinois hunting license and State waterfowl stamp for each blind builder. Blinds not re-registered will be allocated by a drawing. No waterfowl blind may be removed until after the close of the waterfowl season.

(Source: Amended at 23 Ill. Reg. 11195, effective AUG 26 1999)

### Section 590.50 Non-Check Station Department Sites Only - Duck, Goose and Coot Hunting

- a) The following sites conform to Statewide Regulations (Section 590.10) and General Department Regulations (Section 590.15), except as noted in the remainder of this Section.

Blanding Wildlife Area (Federal Lands, boat access only; scull boat hunting for waterfowl is permitted but hunters must not get closer than 200 yards from a permanent duck blind or in areas posted as closed to scull hunters)

Boston Bay (No permanent blinds may be built; temporary blinds only; 200 yards apart)

Chain O'Lakes State Park (For goose seasons prior to duck season, hunting allowed from numbered blind sites only and blinds need not be completed; blinds must be removed in their entirety, including support posts, by May 1; failure to comply will result in the blind builder and partners for that blind losing the privilege of being a blind builder or partner at this site for the following year)

Clear Lake Wildlife Management Area (blind allocation and hunting procedures will be publicly announced)

Des Plaines River Conservation Area (Goose hunting permitted during special goose season prior to regular waterfowl season; during special goose season hunting allowed from numbered blind sites only and blinds do not have to be completed; previous years blind builders shall have until February 1 to salvage blind materials)

Fuller Lake (Daily hunting hours close at 3:30 p.m. CST; 3 year blind allocation period)

Helmhold Slough (Daily hunting hours close at 3:30 p.m. CST; 3 year blind allocation period)



## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF ADOPTED AMENDMENTS

Illinois River - Pool 26 (3 year blind allocation period)

Kankakee River State Park (no boat hide required; no goose hunting permitted prior to duck season; previous years blind builders shall have until February 1 to salvage blind materials)

Lake DePue Walk-in Unit (daily drawing; 1:00 p.m. closed)

Lake Sinnissippi (Department Owned Land; the use of any metal, with the exception of fasteners less than 12 inches in length, will be prohibited in the construction of waterfowl blinds; blind numbers 1, 2, 3, 4, 13, 14, 15, 16, 20, 21, 26, 27, 28, 29, 30, 31 and 32 must be removed in their entirety no later than ten days after the close of the northern zone waterfowl season; blinds may be removed beginning November 15; hunting from boat beginning November 15 for those blinds removed on or after November 15 blind numbers 17, 37, 47, 13, 14, 15, 16, 20, 21, 26, 27, 28, 29, 30, 31 and 32 must be removed in their entirety by 15 days after the close of the duck season; blinds may be removed beginning November 15; hunting from boat blinds is permitted within 10 feet of marked blind sites)

Marshall County Conservation Area - Sparland Unit (Department Owned Land; previous years blind builders shall have until February 1 to salvage blind materials)

Sinnissippi River Pool 16 (Federal Lands; no permanent blinds--temporary blinds only above Vellie Chute except for Goose Pond, Sunfish Slough, and Milan Bottoms (landward area upriver from River Mile 474); 2 year blind allocation period; scull boat hunting for waterfowl is permitted but hunters must not get closer than 200 yards from a permanent duck blind or in areas posted as closed to scull hunting)

Mississippi River Pool 17 (Federal Lands; scull boat hunting for waterfowl is permitted but hunters must not get closer than 200 yards from a permanent duck blind or in areas posted as closed to scull hunting; two year blind allocation period)

Mississippi River Pool 18 (Federal Lands; scull boat hunting for waterfowl is permitted but hunters must not get closer than 200 yards from a permanent duck blind or in areas posted as closed to scull hunting; 2 year blind allocation period)

Mississippi River Pools 21, 22, 24 (Federal Lands; 2 year blind allocation period)

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF ADOPTED AMENDMENTS

Mississippi River Pools 25, 26 (Federal Lands; 3 year blind allocation period)

Pekin Lake (Department Owned Land)

Piasa Island (3 year blind allocation period)

Quincy Bay (Mississippi River Pool 21) (hunting hours legal opening to 1:00 p.m. for blinds 1 through 25 only)

Red's Landing (3 year blind allocation period; that portion of Red's Landing that is north of the access road will be noted as a walk-in/boats without motors area only; no permanent blinds; daily hunting hours will close at 3:30 p.m. CST; hunting parties shall not hunt over less than 12 decoys nor more than 24 decoys)

Redwing Slough/Deer Lake (closed on Mondays, Tuesdays, Thursdays and Fridays except that hunting will be allowed on opening day of duck season; no goose hunting except during duck season; previous years blind builders shall have until February 1 to salvage blind materials; daily hunting hours will close at 1:00 p.m.)

Redwing Slough/Deer Lake State Natural Area (hunting from boat blinds is permitted within 10 feet of marked blind sites)

Rice Lake Walk-in and Copperas Creek Management Unit (Walk-in or boats without motors only; daily drawing; daily hunting hours will close at 1:00 p.m.)

Riprap Landing (3 year blind allocation period)

Starved Rock State Park (Previous years blind builders shall have until February 1 to salvage blind materials; sign in and sign out to report harvest required)

b) The following regulations apply to all sites listed in this Section under subsection (a).

- 1) Blind builders or partners must occupy their blinds by one-half hour before opening hunting hour each day in order to claim their blind for the day. Blinds not legally occupied may be claimed on a first come-first served basis.
- 2) Attempts to claim blinds by any manner other than actual occupation shall be considered in violation of this Part and shall be cause for arrest. The insertion of a boat into the boat hide and/or the spreading of decoys before a blind shall not be considered legal occupation of a blind.
- 3) All hunting must be from registered blinds only unless otherwise noted in parentheses under subsection (a).

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF ADOPTED AMENDMENTS

- 4) Blind sites shall be allocated for a period of one year unless otherwise noted in parentheses under subsection (a).
- 5) Previous year's blind builders shall have until 7 days after the next allocation period drawing to salvage materials from their blinds, except as listed in parentheses under subsection (a). After that date, blinds become the property of the new blind builders.
- 6) No more than 4 persons shall occupy a blind at one time, except on the statewide Youth Waterfowl Hunting Day, as authorized in Section 590.15(f). 5 persons may occupy a blind at one time only if the party is comprised of 2 youth hunters, their non-hunting parents and one non-hunting guide, and except on Mississippi River Pools 16, 17, 18, 21, 22 and 24 and Blanding Wildlife Area.
- 7) On Mississippi River Pools 16, 17, 18, 21, 22 and 24 and Blanding Wildlife Area the limit of 4 persons does not apply.
- 8) For those sites listed in subsection (a) that have 3 year blind allocation periods, re-registration of blind sites during the non-draw years must be accomplished either in person or through the mail during a publicly announced period. Failure to re-register during the prescribed period will result in the loss of blind site. Registrants must present current year's Illinois hunting license and State waterfowl stamp for each blind builder. Blinds not re-registered will be allocated by a drawing. No waterfowl blind may be removed until after the close of the waterfowl season.
- 9) It shall be unlawful to trespass upon areas designated as waterfowl rest areas or refuges two weeks prior to the start of regular duck season through the close of regular duck and Canada goose season as posted at the site.

109) It shall be unlawful to trespass upon the designated waterfowl hunting area during the 7 days prior to the waterfowl season as posted at the site. At Mississippi River Area Pools 25 and 26 it shall be unlawful to trespass upon the designated waterfowl hunting area between sunset of the Sunday immediately preceding the opening date of waterfowl season through the day before waterfowl season as posted at the site.

- c) Blind winners on the following sites will be provided forms for the purpose of maintaining waterfowl harvest records. The forms must be completed and returned within 15 days after the close of the site's waterfowl season or the blind builder and partners for that blind shall not be allowed to be a blind builder or partner at these sites for the following year.

Chain O'Lakes State Park

Des Plaines Conservation Area

Kankakee River State Park

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF ADOPTED AMENDMENTS

Redwing Slough/Deer Lake

(Source: Amended at 23 Ill. Reg. 11195, effective AUG 26 1999)

### Section 590.60 Various Other Department Sites - Duck, Goose and Coot Hunting

The sites listed in this Section conform to Statewide Regulations (Section 590.10) and the following regulations, except as noted.

- a) Regulations
- 1) Hunting hours are from legal opening to 1:00 p.m., except hunting shall be permitted until sunset on those sites indicated with (b).
  - 2) No permanent blinds allowed; all blinds must be of a portable nature and constructed with natural vegetation at the blind site and no pits can be dug. All materials must be removed or dismantled at the end on the day's hunt.
  - 3) Portable boat blinds must have been completed, including final brushing, before entering the water and must be removed at the end of the day's hunt.
  - 4) Waterfowl hunters must maintain a distance of 200 yards between hunting parties.
  - 5) No hunting is permitted within 200 yards of developed recreation areas, public use facilities, and construction or industrial sites.
  - 6) No check station is operated nor is any check in/check out required, except as indicated in the remainder of this Section.
  - 7) It shall be unlawful to trespass upon areas designated as waterfowl rest areas or refuges from two weeks prior to the start of regular duck season through the close of regular duck and Canada goose season except as indicated in the remainder of this Section.

8) It shall be unlawful to trespass upon the designated waterfowl hunting area during the 7 days prior to the regular duck season as posted at the site.

b) Site specific regulations

- 1) Cache River State Natural Area (1)
- 2) Campbell Pond Wildlife Management Area (1)
- 3) Carlyle Lake Project Lands and Waters

A) No one may enter the subimpoundment area to hunt waterfowl before 4:30 a.m. each day of the waterfowl hunting season, or remain in the area after 3:00 p.m. each day of the waterfowl hunting season, except during the last 3 days of the Canada goose season and during any goose seasons that occur before or after Canada goose season, hunters must be out of the area by one hour after sunset and not return until 4:30 a.m. The subimpoundment area is defined as that area bordered by the Kaskaskia River on the east and south

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF ADOPTED AMENDMENTS

- and extending north and west to the Carlyle Lake project boundary, and includes impoundment areas 1, 2, 3, and 4 and within the impoundments on the East Side Management Area located east of the Kaskaskia River.
- B) The waters of Carlyle Lake are defined as the lake and that portion of the Kaskaskia River northfork, eastfork, Peppermorst Branch and Allen Branch north of the buoys only, and Hurricane Creek that are within the boundaries of the Carlyle Lake property.
- C) Walk-in hunting shall be permitted in subimpoundment areas. Boats with no motors are allowed in the subimpoundments. Department of Natural Resources personnel will designate boat launching locations.
- D) When the water level in the subimpoundment area is too high (due to flooding) to allow walk-in hunting, Department of Natural Resources personnel shall post that the area is open to boats with motors of 10 HP or less and will designate boat launching locations.
- E) In the subimpoundment areas, compartment 4 will be a waterfowl rest area during the entire waterfowl season. No hunting within 50 yards of rest area signs on E and F levees which contain subimpoundment 4 is permitted. No trespassing will be allowed, except for hunters boating through the area on the Kaskaskia River along F levee and boaters hunting on Hurricane Creek between C and D levees. At the close of duck hunting season, known eagle protection areas will be posted by the Site Superintendent and will be closed to goose hunting.
- F) Each hunting party is required to hunt over a minimum of 12 decoys. Decoys shall not be left out unattended or after 3:00 p.m. each day of the waterfowl season, except during the last 3 days of the Canada goose season and during any goose seasons that occur after Canada goose season, decoys shall not be left out unattended or later than one hour after sunset.
- G) All waterfowl hunters must register prior to hunting each day of the waterfowl hunting season at the nearest accessible registration box. All hunters must sign out and record their harvest daily before they exit the area.
- H) The Army Corps of Engineers may build blinds on Corps managed lands and waters for management purposes only.
- I) During the last 3 days of Canada goose season and during any goose seasons that occur after Canada goose season, hunting hours shall close at sunset daily.
- 4) Chauncey Marsh (1)  
Permit required, may be obtained at Red Hills State Park Headquarters and must be returned by February 15.
- 5) Clinton Lake (1)

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF ADOPTED AMENDMENTS

- A) Hunters must obtain free permit from site office prior to hunting; hunters must return the permit and report harvest by February 15 of following year or hunting privileges for following season shall be forfeited.
- B) Hunting is allowed only from anchored portable boat blinds except no waterfowl hunting is permitted in the area extending from a line between the west side boat ramp and the southern-most point of the central peninsula to the Davenport Bridge.
- C) No more than 4 persons shall occupy or use a portable boat blind.
- D) Each hunting party is required to hunt over a minimum of 12 decoys.
- E) No hunting is permitted within 300 yards of power lines.
- 6) Coffeen Lake State Fish and Wildlife Area  
A) Hunters must obtain a free permit from site office prior to hunting; hunters must return the permit and report harvest by February 15 of the following year or hunting privileges for the following season will be forfeited.  
B) Hunting from staked sites only.  
C) No permanent blinds.  
D) Hunting by boat access only.  
E) No cutting vegetation on site.  
F) Hunting north of railroad tracks only.  
G) Hunting hours from legal opening to 1 p.m. Fishing allowed between the railroad tracks and the county road after 1:00 p.m.
- H) Four hunters per blind site.
- I) No hunting during firearm deer seasons.
- 76) Cypress Pond State Natural Area (hunters must sign in prior to hunting and sign out reporting harvest at the end of each day)  
(1)
- 87) Dog Island Wildlife Management Area (1)  
Hunters must sign in prior to hunting and sign out reporting harvest at end of each day.
- 98) Donnelley State Wildlife Area  
A) Hunting is prohibited on Tuesdays and Wednesdays except open on opening day and on the first Sunday immediately preceding the first firearm deer season as set forth in 17 Ill. Adm. Code 650.10 except as indicated in Section 590.25.
- B) ~~Hunting hours start at sunset~~  
B) Goose hunting is prohibited after the close of the duck season.
- C) ~~But~~ All hunting shall be from designated blinds only. Refilling or changing blinds is not permitted.
- D) ~~But~~ All hunters must report to the check station to fill out an information card and turn in hunting licenses or Firearm Owner's Identification Cards before proceeding to blinds.

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF ADOPTED AMENDMENTS

E) \$10 daily usage stamp must be purchased to hunt this area.  
 F) No outboard motors are allowed by public - only authorized DNR personnel.

G) No more than 3 persons shall occupy a blind at any one time except on the statewide Youth Waterfowl Hunting Day, as authorized in Section 590.15(f). 5 persons may occupy a blind at one time only if the party is comprised of 2 youth hunters, their non-hunting parents and one non-hunting guide.

H) All parties are required to report to check station within 1 hour after termination of hunt or no later than 2:00 p.m. All parties must hunt over a minimum of 12 decoys and a maximum of 48 decoys can be used, which must be removed upon the termination of the hunt.

I) The first weekend and the third Saturday of the regular duck season shall be designated as youth hunt days. This will consist of youth or youths 15 and under plus one adult per blind. There shall be no charge for the youth on these days. Those blinds not allocated to youths shall be available to adults on those days.

J) One blind shall be made available by priority claim to "disabled" persons (as defined in Section 2.33 of the Wildlife Code).

109) East Conant Field  
 Waterfowl hunters must obtain permits prior to hunting. Permits must be returned by February 15.

11) Fort de Chartres Historic Site (1)

A) Hunting is allowed from anchored, portable boat blinds only on a first-come-first-served basis.

B) Each hunting party is required to hunt over a minimum of 12 decoys which must be removed at the end of each hunting day.

C) No hunting is allowed during firearm deer season.

12a) Fox Ridge State Park (1)

Hunting restricted to Embarras River and its flood waters.

12b) Fort de Chartres Historic Site (1)

A) Hunting is allowed from anchored, portable boat blinds only on a first-come-first-served basis.

B) Each hunting party is required to hunt over a minimum of 12 decoys which must be removed at the end of each hunting day.

C) No hunting is allowed during firearm deer season.

13) Fox River

A) Waterfowl hunting is prohibited on that portion of the Fox River running from the Kendall-Kane County line downstream to a line extending from the intersection of Route 71 and Douglas Street in Oswego, across the Fox River to the intersection of Hickory Lane and Riverview Drive.

B) Waterfowl hunting shall be from Department designated sites only on that portion of the Fox River downstream from the

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF ADOPTED AMENDMENTS

line extending from the intersection of Route 71 and Douglas Street in Oswego, across the Fox River to the intersection of Hickory Lane and Riverview Drive downstream to the Fox River Drive Bridge. Hunting at the designated sites will be on a first-come-first-served basis.

14a) Freeman Mine

Hunting regulations will be publicly announced.

15a) Heidecke State Fish and Wildlife Area, Braidwood Fish and Wildlife Area and Powerton Lake

A) Blind sites shall be allocated on a daily draw basis conducted at the check stations 60 minutes before hunting time. Hunters shall register as parties for the drawing; each party drawn shall be allowed to select blind site in order drawn; only those hunters registered in party shall be allowed to hunt with their party; no more than three hunters per party; persons under the age of 16 shall not be allowed to hunt unless accompanied by an adult.

B) Blind sites not selected during the drawing shall be allocated on a first-come-first-served basis. Vacant blind sites shall not be allocated after the drawing until one hour after legal hunting time. No blind sites shall be allocated after 10:00 a.m. Hunters wishing to move to another blind site must report this move to the check station attendant in person before such a move.

C) Access to water blind sites must be by boat only and from designated boat launch sites.

D) All hunting must be from portable boat blinds, within 10 yards of the assigned numbered stake or buoy. No more than 3 persons shall use one blind.

E) Upon vacating blind sites, all hunters must report to the check station within 1 hour. At this time, waterfowl bagged must be checked in and displayed to the station operator and hunting licenses returned.

F) Each hunting party is required to hunt over a minimum of 12 decoys. Decoys must be picked up immediately after the hunt is over.

G) Heidecke Lake and Braidwood Lake shall be closed to all fishing and boat traffic except for legal waterfowl hunters from 10 days prior to regular duck season until the close of the regular duck and Canada goose season. Powerton Lake shall be closed to boat traffic from 7 days prior to opening of regular duck season until February 15, except for legal waterfowl hunters, and closed to all unauthorized entry during the regular duck season.

H) No hunting on Monday and Tuesday at Heidecke and Braidwood Lakes. No hunting at Powerton Lake on Monday through Thursday except hunting permitted on State holidays.

I) It is unlawful to hunt waterfowl on the water area in any



## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF ADOPTED AMENDMENTS

watercraft less than 16 feet long and 60 inches in beam and without a gas-powered motor.

J) No guns may be carried from water blinds to retrieve waterfowl that fall on land.

K) Hunting is closed on Christmas Day and New Year's Day.

L) All water areas not posted with blind site numbers shall be refuge and are closed to all boat traffic except by authorized personnel.

M) It is unlawful to shoot across any dike.

N) Waterfowl hunting shall close with the conclusion of the duck season at Powerline Lake. At Heidecke and Braidwood Lakes waterfowl hunting closes at the end of duck or goose season, whichever is later. No goose hunting is allowed prior to duck season.

1614) Horseshoe Lake (Alexander County) Daily Drawing Waterfowl Hunting Area Only

A) Waterfowl hunting shall be permitted only during goose season, except that no hunting is allowed on Mondays, Tuesdays or December 24, 25, 26 and on the day of the Youth Goose Hunt (this site shall be open only for the Illinois Youth Goose Hunt on the first weekday after December 26 other than a Monday, pursuant to Section 590.25).

B) Hunting shall be done from assigned blinds only.

C) A daily drawing for assigned blind sites will be held at 5:00 a.m. at the check station each day hunting is allowed. For the drawing, hunters must register as a party; no more than two people per party are permitted.

D) Hunters must deposit their license prior to going to their blinds.

E) Hunters must park in assigned, designated areas only.

F) Hunters must hunt over a minimum of 12 Canada goose decoys.

G) Hunters must return to the check station and report their harvest by 2:00 p.m.

H) Hunters may not possess more than 549 shot shells for every Canada goose allowed in the daily bag limit.

I) Hunters cannot move from blind to blind, nor leave the assigned blind to shoot crippled geese; hunters may leave the assigned blind to retrieve crippled geese, but must leave their guns in the blind.

1715) Horseshoe Lake (Alexander County) Public Hunting Area

A) Closed to waterfowl hunting on Mondays and Tuesdays.

B) When duck season is closed, goose hunters may not possess more than 549 shot shells for every Canada goose allowed in the daily bag limit.

1816) Horseshoe Lake Refuge (no hunting allowed, no boat motors except trolling motors will be allowed on Horseshoe Lake from October 15 to March 1)

1917) Kaskaskia River Fish and Wildlife Area

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF ADOPTED AMENDMENTS

A) No waterfowl hunters may remain in the area after 3:00 p.m. For those lands lying south of Illinois Route 154 and north of Illinois Route 13, the legal hunting hours shall be from statewide opening hour until statewide closing hour.

B) All waterfowl hunting parties must use at least 12 decoys. Hunting is allowed on a first come-first served basis.

C) It is unlawful to leave duck and goose decoys unattended. Decoys must be picked up at the end of each day's hunt.

D) All waterfowl hunters must register prior to hunting each day of the waterfowl season at the nearest check station, and must sign out and record their harvest daily before they exit the area.

E) The following regulations apply to the Doza Creek Waterfowl Management Area:

i) No waterfowl hunters may enter the area before 3:00 a.m. each day of the waterfowl hunting season. No waterfowl hunters may remain in the area after 3:00 p.m.

ii) Only waterfowl, coot, archery deer and fall archery turkey hunting (as provided by 17 Ill. Adm. Code 670 and 720) allowed in this area during the duck hunting season; goose hunting is closed during the second firearm deer season if the second firearm deer season occurs after duck season.

2019) Kinkaid Lake Fish & Wildlife Area (1)

2119) Lake Shelbyville (except for land/waters covered in subsection (b)(22)(f)(99) of this Section) (1)

2219) Lake Shelbyville West Okaw and Kaskaskia Fish and Wildlife Area Waterfowl hunting shall be permitted as described below except in fully posted restricted and "No Hunting" areas.

B) Waterfowl hunting in the Fish Hook, the North Dunn, the McGee, and the Jonathan Creek Waterfowl Areas shall be allotted by a daily drawing from opening day through the first Saturday and Sunday of the regular waterfowl season. Parties must register for drawings between 3:00 a.m. and 4:00 a.m. Central Standard Time at the check station on those days. Each party drawn shall be allowed to choose one of the staked sites in the waterfowl area. Parties must select sites in the order they are drawn. Maximum party size is 4 persons, except on the statewide Youth Waterfowl Hunting Day, as authorized in Section 590.15(f), 5 persons may occupy a blind at one time only if the party is comprised of 2 youth hunters, their non-hunting parents and one non-hunting guide. In addition, the following regulations shall apply:

i) All parties must hunt within 10 yards of their assigned stake.

ii) All parties must be in place by one-half hour before



## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF ADOPTED AMENDMENTS

hunting time.

iii) All parties are required to report their harvest by 2:00 p.m. following each hunt.

- C) Hunting in the Jonathan Creek, North Dunn and McGee Waterfowl Areas shall be restricted to designated, staked sites on a first come-first served basis except as noted in subsections (b)(22)(4267)(A) and (B) above. Hunting in the Fish Hook Area shall be restricted to designated, staked sites on a first come-first served basis until the opening of the Illinois southern zone duck season, except as noted in subsections (b)(22)(A) and (B) above. A hunting party must hunt within 10 yards of the stake.

- D) Each hunting party in the Fish Hook, Dunn, Jonathan Creek and McGee Waterfowl Areas are required to hunt over a minimum of 12 decoys.

- E) Motors of over 10 horsepower shall not be operated in the Fish Hook, Jonathan Creek, Dunn, and McGee Waterfowl Areas.

- F) Waterfowl hunting only is permitted in the Fish Hook, Dunn, Jonathan Creek and McGee Waterfowl Areas during the regular waterfowl season, except that pheasant, rabbit and quail hunting is permitted after 1:00 p.m. daily beginning the day after the close of the Central Zone Duck Season.

- G) During the regular waterfowl season, no bank or boat fishing shall be permitted on the Kaskaskia River from the Strickland Boat Access north to the Illinois Central Railroad bridge from one-half hour before sunrise until 1:00 p.m.

- H) A free permit is required, which is obtained from the site office. Permits must be in possession while hunting waterfowl. The permit must be returned and harvest reported by February 15 or the hunter will forfeit his hunting privileges at this site for the following year.

232a) Meredosia Lake - Cass County Portion Only (meandered waters only)

- A) All boat traffic is prohibited from operating on meandered waters (except non-motorized boats may be used to assist in the retrieval of waterfowl shot from private land) from the period from one week before waterfowl season opens until the season closes.

- B) Hunting and/or any other activity is prohibited during the period from one week before waterfowl season opens until the season closes.

242a) Mernmet

- A) Waterfowl hunting shall be permitted only during the duck hunting season.

- B) Hunting is allowed in both the walk-in and blind areas only. Those individuals wishing to hunt in the walk-in area are required to deposit their hunting licenses and register at

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF ADOPTED AMENDMENTS

the check station prior to entering the area. Individuals who wish to use the blind area are required to deposit their hunting licenses and participate in a daily drawing during which blinds shall be assigned. Hunting parties shall not change blinds without prior approval from the check station operator. Those persons exempted by law from having hunting licenses must deposit their Firearm Owner's Identification Cards.

- C) The daily drawing shall be held one hour prior to legal opening time.

- D) All members of the hunting party shall register as a group (not to exceed 4 persons per group, except on the statewide Youth Waterfowl Hunting Day, as authorized in Section 590.15(f)). 5 persons may occupy a blind at one time only if the party is comprised of 2 youth hunters, their non-hunting parents and one non-hunting guide) for the purpose of the drawing.

- E) Those hunters in the blind area shall park in designated areas. These parking areas shall be numbered to correspond with particular blind sites located along the levee road.

- F) In the blind area, a minimum of 12 decoys per blind is required while hunting waterfowl.

- G) Boats without motors may be used in the walk-in areas.

- H) No hunting Christmas Day.

252a) Newton Lake Fish and Wildlife Area

- A) Blind sites shall be allocated by a daily drawing to be conducted 90 minutes prior to hunting time. Blind sites not selected during the drawing (or in the event that personnel are not available to conduct drawing) shall be allocated on a first come-first served basis.

- B) All hunting must be from registered blind sites only and hunters must occupy their blinds within one hour after registering at the check station.

- C) Upon vacating their blinds, hunters must place their completed harvest cards in the collection box located at the boat ramp.

- D) There will be duly posted waterfowl refuges. These areas shall be closed to all boat traffic and boat fishing during the waterfowl season.

- E) No more than 4 persons shall occupy a blind at one time.

- F) The west arm of the lake shall be closed to all waterfowl hunting.

- G) Blind sites shall be determined by the Department of Natural Resources and marked with numbered stakes. When it is deemed necessary, the Department shall remove, move or close blind sites in order to carry out the operations of the overall management program.

- H) Hunters wishing to move to another blind location may do so,

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF ADOPTED AMENDMENTS

providing they include the blind change on the harvest card and report their kill for each blind.

- I) Access to blind sites shall be by boat only and from the west side boat ramps.
- J) All hunting must be from one portable blind or one anchored portable boat blind located within a numbered cove and between the assigned numbered stakes.
- K) Crippled waterfowl that fall on land, other than areas designated as refuge, shall be retrieved by foot. However, no gun may be carried while attempting to recover such birds.
- L) No pits or blinds shall be built on State lease Ameren/CIPS land.
- M) Blind site: A position between two like numbered stakes where a blind may be located.
- N) Fishing shall be prohibited in the east arm of the lake during the waterfowl season.
- O) Each party must hunt over a minimum of 12 decoys, and all decoys must be removed at the end of each day's hunt.
- P) When it is deemed necessary for public safety reasons, such as flooding, high winds, or heavy fog, the Department will close the lake area to all fishing and all boating activity except for non-water hunting programs.
- Q) This site is closed to all users except firearm deer hunters during the firearms deer season.

## 2624) Oakford Conservation Area (1)

## 2724) Ray Norbit State Fish and Wildlife Area (1)

Statewide season regulations apply except that the season closes December 15 in Eagle Roost Area, or the legal statewide closing, whichever is earlier.

## 2826) Rend Lake Project lands and Waters

- A) All waterfowl hunters and all boats must be out of the Casey Fork and Big Muddy subimpoundments by 2:00 p.m. each day of the waterfowl season and not return until 4:30 a.m., except during the last 3 days of the Canada goose season, and during any goose season occurring after the Canada goose season, hunters must be out of the areas by one hour after sunset and not return until 4:30 a.m.
- B) No hunting permitted from the subimpoundment dams.
- C) No waterfowl hunting permitted within 200 yards of the refuge boundary, or within 100 yards of any private property boundary.

- D) All boat traffic is prohibited from entering the subimpoundments from 1 week before waterfowl season until opening day of waterfowl season.

- E) All waterfowl hunters must sign in prior to hunting and sign out and report their harvest at the end of each day's hunt.

- F) Permanent blinds at the Whistling Wings Access Area shall be

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF ADOPTED AMENDMENTS

regulated as follows:

- i) During goose season, a separate drawing will be held for the 4 pits at Whistling Wings. This drawing will be held at the Cottonwood check station following the drawing for staked hunting sites. Hunters may not register for more than one drawing per day. Unsuccessful hunters in the drawing for Whistling Wings pits may select any unclaimed staked location after the drawings.
- ii) Hunters who wish to hunt together must register as a hunting party and be present at the drawing.
- iii) All hunters must have the registration card from the check station in their possession while hunting.
- iv) Hunters must occupy the pit they have drawn by legal shooting time. If a pit is not occupied by legal shooting time, another party who has registered at the check station may occupy the unclaimed pit.
- v) No more than 6 dozen decoys may be used per pit.
- vi) No more than 4 hunters will be allowed in a pit or hunting party.
- G) Each hunting party is required to hunt over a minimum of 12 decoys at each blind site, and all decoys must be picked up at the end of each day's hunt.
- H) During the last 3 days of Canada goose season and during any goose seasons occurring after Canada goose season, hunting hours shall close at sunset daily.
- I) The land portion of the Rend Lake Refuge is closed to trespassing during waterfowl season. The location of the Rend Lake Refuge is described as follows:
  - i) Bounded on the south by a buoy line, approximating the Jefferson-Franklin County line
  - ii) Bounded on the east by a buoy line and/or signs approximating the channel of the Casey Fork Creek.
  - iii) Bounded on the west by a buoy line and/or signs approximating the channel of the Big Muddy River.
  - iv) Bounded on the north portion of the Big Muddy River by a buoy line and/or signs approximating a line which would extend west from Ina, Illinois.
  - v) Bounded on the north portion of the Casey Fork Creek by the Casey Fork Subimpoundment Dam.
  - vi) Bounded on Nason Point by refuge boundary signs at project limits.
- J) After the close of regular duck season, goose hunters may not possess more than 360 shot shells for every Canada goose allowed in the daily bag limit.
- K) Staked Hunting Areas - Those areas designated as a staked hunting area will be publicly announced and the following regulations will apply:

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF ADOPTED AMENDMENTS

- i) All hunting must occur within 10 yards of an assigned, numbered stake and only one hunting party may occupy a Staked site at any given time.
  - ii) Stakes will be assigned via a daily drawing held at 4:00 a.m. during November, 4:30 a.m. in December and 5:00 a.m. in January. Check stations will be open from 1/2 hour before drawing time to 9:30 a.m. daily.
  - iii) Check station at the Bonnie Dam Access Area will be operated on a daily basis through the second weekend of the waterfowl season. Thereafter, Bonnie Dam check station will only be open on weekends and holidays as posted at the check station. Cottonwood Access Area will be operated on a daily basis throughout the waterfowl season for both Bonnie Dam and Cottonwood Hunting Areas. Hunters who wish to hunt together at a staked location must register as a hunting party and be present for the drawing. Only those persons in that party may hunt at the assigned stake. No more than 5 persons shall be in a hunting party.
  - iv) Hunters arriving at the check station after the draw may enter the staked area only if it is one hour prior to shooting time or between 9:00 a.m. and 9:30 a.m. All hunters must register at the check station.
  - v) When a staked hunting location is vacated by a hunting party any other registered hunting party may claim the vacant stake on a first come-first served basis. Hunters must occupy the stake they have drawn by legal shooting time.
  - vi) When hunting parties have killed their legal daily bag limit of ducks (not including coots and mergansers) and/or Canada geese in respect to the legal hunting season dates they must vacate the hunting site.
  - vii) Hunters must sign in and out and report their harvest on the cards at the access area where they launch.
- 2297) Saline County Conservation Area (1)
- A) Waterfowl hunting is allowed north of the township road only.
  - B) Walk-in hunting only.
  - C) Hunters must sign in prior to hunting and sign out reporting harvest at the end of each day.
- 3020) Sand Ridge State Forest (Mud Turtle State Natural Area) (1)
- A) Hunting is permitted on Tuesdays and Saturdays during the duck season. Permits are issued on a first come-first served basis.
  - B) Two hunters are allowed per blind. At least one hunter must have a P-2 handicapped certification.
  - C) Hunters must report harvest to site office.
- 3129) Sangamon State Fish and Wildlife Area

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF ADOPTED AMENDMENTS

- A) Hunters using the walk-in area shall use the check station at the headquarters area located 8 miles northwest of Chanderville just off Route 78 or the check station on the west side of the Illinois River one mile north of Browning near Route 100.
  - B) Walk-in waterfowl hunting shall be permitted only in the area posted for this purpose.
  - C) All hunters using a walk-in area must report to the check station to fill out information cards and to turn in hunting licenses or firearm Owner's Identification Cards before proceeding to area.
  - D) The Baker tract is a daily-draw walk-in area with 4 separate hunting compartments. One party of hunters (up to 4 hunters per party) will be permitted to hunt in each hunting compartment. The allocation of the 4 Baker tract hunting compartments will be by daily draw as part of the site's daily draw vacant blind allocation. Parties must register for the draw together on the same card.
  - E) Upon the completion of hunting, hunters must report to the check station within one hour.
  - F) Fishing is prohibited in the impoundment areas during the duck season, except that walk-in only access for fishing from the bank is permitted after 1:00 p.m.
  - G) No person shall trespass on the Barkhausen Refuge during the period from October 1 through end of goose season.
  - H) No person shall trespass on the Watton-Pickrel Waterfowl Refuge during the period from October 1 through the last day of the waterfowl season, unless prior permission for a specific reason (such as access to private land or to retrieve dead or wounded game) is granted by the site superintendent.
  - I) When the central zone goose season extends beyond the duck season, goose hunting shall be permitted with statewide hunting hours in effect. Hunters need not occupy a blind. All hunting must be conducted within non-refuge areas.
  - J) No hunting permitted from the walk-in area subimpoundment levee.
  - K) Hunters may use boats without motors in the walk-in area; the construction and/or use of permanent blinds in the walk-in area is prohibited.
- 3230) Sangchris Lake State Park
- A) During the last 3 days of the regularly scheduled Canada goose season, hunting hours will close at statewide closing.
  - B) Blind sites shall be allocated by a daily drawing to be conducted 90 minutes prior to hunting time. Blind sites not selected during the drawing (or in the event that personnel are not available to conduct the drawing) shall be allocated on a first come-first served basis. (During that portion of

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF ADOPTED AMENDMENTS

the Canada goose season which follows the duck season, the west side goose pit area, the west arm blind sites and east arm blind sites south of power lines shall be available for goose hunting and shall be allocated on a daily drawing basis to be held at 5:30 a.m. daily.)

- C) During that portion of the light goose season which follows the regular Canada goose season, the west-side goose pit area blinds, subimpoundment blinds, and designated fields west of the west boat ramp shall be available daily on a first come-first served basis. Hunters must sign in at the appropriate parking area no earlier than 5 a.m. During that portion of the goose season which follows the regular Canada goose season, the west-side goose pit area blinds shall be available for goose hunting on a daily basis. These west-side goose pit area blinds shall be allocated via a mail-in drawing from the office. Blinds not occupied one hour before shooting time shall be available on a first come-first served basis. All hunters must sign in at designated parking spots. Hunters may not possess more than 5 shells for each move goose allowed in the daily bag limit.
- D) All hunting must be from registered blind sites only and hunters must occupy their blinds within one hour after registering at the check station.
- E) Upon vacating their blinds, hunters must place their completed harvest cards in the collection boxes located at either the east or west boatdock.
- F) There will be a duly posted waterfowl refuge. These areas shall be closed to all boat traffic (except as allowed in subsection (b)(32)(497)(J)) and boat fishing during the waterfowl season. Bank fishing along the dam shall be permitted.
- G) No more than 4 persons shall occupy a blind at one time.
- H) The center arm of the lake shall be closed to all waterfowl hunting.

I) Blind sites shall be determined by the Department of Natural Resources and marked with a numbered stake. When it is deemed necessary, the Department of Natural Resources shall remove, move or close blind sites in order to carry out the operations of the overall management program.

J) Hunters wishing to move to another blind location may do so after 10 a.m., providing they include the blind change on the harvest card and report their kill for each blind.

K) Access to water blind sites shall be by boat only and from designated boat launch sites. Blinds on the peninsula subimpoundment shall be accessed on foot once the hunter has reached the peninsula by boat. Corridors located along the edges of the existing refuge will be established to provide access to all available blind sites as designated by site

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF ADOPTED AMENDMENTS

superintendent when conditions warrant.

- L) All hunting must be from 1 portable blind or 1 anchored portable boat blind located within a numbered cove and between the assigned numbered stakes or from 1 Department designated blind or pit.
- M) Crispied waterfowl that fall on land, other than areas designated as refuge, shall be retrieved by foot. However, no gun may be carried while attempting to recover such birds.
- N) No unauthorized pits or blinds shall be built on State managed land.
- O) Blind sites: A position between two like numbered stakes within a cove or other Department designated site where a blind may be located.
- P) Fishing shall be prohibited in the east and west arms of the lake during the period from 10 days prior to the duck season through the end of the duck season. Fishing shall be prohibited in the west arm of the lake and the east arm of the lake south of the power lines during that portion of the Canada goose season that follows the duck season.
- Q) Each party must hunt over a minimum of 12 decoys, and all decoys must be removed at the end of each day's hunt (except at peninsula subimpoundments where only Department decoys may be used).
- R) When it is deemed necessary for public safety reasons, such as flooding, high winds, or heavy fog, the Department of Natural Resources will close the lake area to all fishing and all boating activity except for non-water hunting programs.
- S) During flood conditions, waterfowl hunters may hunt the tailwaters of Sangchris Lake dam including Clear Creek and the South Fork of the Sangamon River. Decoys must be removed at the end of each day's hunt.
- T) ~~Pentastate subimpoundment blinds will be available on opening day--of--duck--season--and--every--Tuesday--and--Saturday--through--the--duck--season.~~  
T1047 West-side goose pit area blinds will be available every day each week except Tuesday and Wednesday and--December--24--and--25, through the regular Canada goose season.
- U1047 Hunters in the west-side goose pit area may not possess more than 548 shot shells for every Canada goose allowed in the daily bag limit.
- 33331 Sato Field  
 Waterfowl hunters must obtain permit prior to hunting. Permit must be returned by February 15.
- 34332 Shawnee National Forest, Upper and Lower Bluff Lakes  
 Goose hunting is prohibited.
- 35333 Shawnee National Forest, LaRue Scatters



## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF ADOPTED AMENDMENTS

All hunting must be by walking in or in boats without motors.

3634) Shawnee National Forest, Oakwood Bottoms (Green Tree Reservoir west of the Big Muddy levee)

A) All hunting must be by walking into the area.

B) Each hunting party must hunt over a minimum of 12 decoys in Compartments 19, 20 and 21.

C) No person shall tamper with or attempt to manipulate any of the gates, pumps or structures in the subimpoundment area.

3735) Stephen A. Forbes State Park

A) On the main lake hunting is allowed from a boat blind only in the designated areas.

B) Only walk-in hunting is allowed in the subimpoundment.

C) Hunting shall be allowed on a first come-first served basis. All hunters must use 12 decoys, minimum.

3836) Ten Mile Creek Fish and Wildlife Area (1)

A) Waterfowl hunters must obtain permits prior to hunting. Permits must be returned by February 15.

B) Each hunting party is required to hunt over a minimum of 12 decoys at each blind site, and all decoys must be picked up at the end of each day's hunt.

C) Areas designated as Rest Areas are closed to all access during the Canada Goose Season only. Rest Area designation has been given to that part of the Belle River unit that lies south of Auxier Creek and is posted as Rest Area, and the 250 acre tract at the Western edge of the Eads Mine unit.

D) After the close of the duck season, goose hunters in that portion of Ten Mile Creek that lies in the Rend Lake Quota Zone may not possess more than 510 shot shells for every Canada goose allowed in the daily bag limit.

3937) Turkey Bluffs State Fish and Wildlife Area (All hunters must sign in and out and report kill) (1)

4038) Union County (Firing Line Waterfowl Management Area)

A) It shall be unlawful to take a gun beyond the posted boundary while retrieving waterfowl crippled-geese.

B) During--goose--season--waterfowl--hunters--may--not--possess--more--than--10--shot--shells--

Re) Goose During--goose--season hunting from staked sites only.

(Source: Amended at 23 Ill. Reg. 11195 effective AUG 20 1999)

## Section 590.80 Early and Late Goose (all species) Hunting Regulations on Department Sites

a) During goose hunting seasons that begin before or extend beyond the regular duck season, statewide regulations and site specific regulations for goose hunting, as indicated in Sections 590.40, 590.50

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF ADOPTED AMENDMENTS

and 590.60, shall apply to all sites (except those closed in subsections (c), (d) and (e) with the following exceptions:

1) Check in and check out (or sign in and out) is required only at sites with an asterisk (\*).

2) No fees will be charged for hunting for seasons before duck season or for seasons after the regular Canada goose season.

3) No sites are closed to fishing during seasons before the regular duck season or for seasons after the regular Canada goose season.

4) Hunting from a completed blind or staked site is waived during seasons held before the regular duck season or for seasons held after the regular Canada goose season at sites marked with an @.

5) Hunting from a staked site (blind need not be completed) is required during seasons held before the regular duck season at sites marked with a #.

6) During goose seasons held prior to regular duck season, no hunting is allowed in designated dove management fields or within 100 yards of such fields.

7) During goose seasons held after the Canada goose season all restrictions regarding the use of decoys or the number of shotgun shells that hunters can possess are no longer in force.

8) During goose seasons held after Canada goose season, statewide hunting hours apply.

b) The following sites will be opened to all goose hunting seasons:

Blanding Wildlife Area @

Cache River Natural Area \*

Carlyle Lake Project Lands and Water \*

Chain O'Lakes State Park #

Chauncey Marsh (permit required, available at Red Hills State Park)

Des Plaines Conservation Area #

Dog Island Wildlife Management Area \*

Fort de Chartres Historic Site

Horseshoe Lake Conservation Area (controlled hunting and public hunting areas) \*

Horseshoe Lake State Park (Madison County) (snow goose season closes February 28) #

Kaskaskia River State Fish and Wildlife Area \*



## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF ADOPTED AMENDMENTS

Kick-Lake-State-Natural-Area

Kinkaid Lake Fish and Wildlife Area

Lake Shelbyville (except West Okaw and Kaskaskia Fish and Wildlife Area; season opens with teal season)

Marshall Fish and Wildlife Area \* @

Mississippi River Fish and Waterfowl Management Area (Pools 25 and 26) @

Mississippi River Pools 16, 17 and 18 @

Mississippi River Pools 21, 22, and 24 @

Oakford Conservation Area

Rend Lake Project Lands and Waters @

Saline County Conservation Area \*

Sanganois State Fish and Wildlife Area \* @

Shawnee Forest, LaRue Scatters

Shawnee Forest, Oakwood Bottoms

Sparland Fish and Wildlife Area @ \*

Ten Mile Creek Fish and Wildlife Area (permit required; rest areas open to hunting during goose season before and after the regular goose season)

Turkey Bluffs State Fish and Wildlife Area \*

Union County Conservation Area (firing line and controlled hunting area) \*

Woodford Fish and Wildlife Area \* @

c) The following sites will be open to any goose hunting seasons that occur before the regular duck season through the end of the regular Canada Goose Season:

Anderson Lake (Closed after regular duck season) \* @

Horseshoe-Lake-State-Park-(Madison-County)-@

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF ADOPTED AMENDMENTS

Lake Shelbyville West Okaw and Kaskaskia Fish and Wildlife Area (must have site specific permit; season opens with teal season)

Ray Norbut State Fish and Wildlife Area \*

Rice Lake (season opens with teal season; sunrise until 1:00 p.m.; closed after regular duck season) \* @

d) The following sites will be opened to all goose hunting during any Canada goose hunting seasons that occur after the regular duck season:

Banner Marsh \* @

Braidwood State Fish and Wildlife Area \*

Cinton-Lake

Heidecke State Fish and Wildlife Area \*

Kankakee River State Park

Lake DePue Fish and Wildlife Area \*

Lake Sinissippi Fish and Wildlife Area

Newton Lake Fish and Wildlife Area \*

Pekin Lake Fish and Wildlife Area

Sangchris-Lake-State-Park-\*

Spring Lake Fish and Wildlife Area \*

Starved Rock State Park \*

e) The following sites will be opened to any goose hunting seasons that occur after the regular Canada goose hunting season:

Clinton Lake State Recreation Area (season closes March 15)

Peabody River King State Fish and Wildlife Area \*

Sangemois-State-Fish-and-Wildlife-Area-@

Sangchris Lake State Park \*

Stephen A. Forbes State Park \*

DEPARTMENT OF NATURAL RESOURCES  
NOTICE OF ADOPTED AMENDMENTS

Snake Den Hollow \* g

William W. Powers Conservation Area

f) The following sites will be closed to all goose hunting seasons that occur outside the regular duck season dates:

Campbell Pond Wildlife Management Area

Donnelley Fish and Wildlife Area

Mazonia State Fish and Wildlife Area \*

Meredosia Lake (Cass County portion only, meandering waters only)

Mermet Lake Fish and Wildlife Area

Powerton Reservoir

Redwing Slough/Deer Lake

Shavnee Forest, Upper and Lower Bluff Lakes

g) The following sites will be open to all goose hunting seasons that occur before the regular duck season and after the regular Canada goose season:

Kidd Lake State Natural Area

(Source, Amended at 23 Ill. Reg. 11195, effective August 6, 1999)

DEPARTMENT OF NATURAL RESOURCES  
NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Surface Mined Land Conservation and Reclamation Act  
2) Code Citation: 62 Ill. Adm. Code 300

3) Section Number: Adopted Action:  
300.210 Amended  
300.215 Amended  
300.225 Amended  
300.235 Amended  
300.236 Amended  
300.237 Amended  
300.239 Amended  
300.247 Amended

4) Statutory Authority: Implementing and authorized by the Surface Mined Land Conservation and Reclamation Act [225 ILCS 715].

5) Effective Date of Amendments: August 26, 1999

6) Does this rulemaking contain an automatic repeal date? No

7) Does this amendment contain incorporations by reference? No

8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Notice of Proposal published in Illinois Register: 23 Ill. Reg. 6021; May 21, 1999

10) Has JCAR issued a Statement of Objection to these amendments? No

11) Difference between proposal and final version:

Section 300.210, in the definition of "Office of Mines and Minerals", "P.A. 89-26, enacted June 23, 1995" has been stricken and replaced with "Section 6.5 of the Act"; the Source note has been changed from "Added" to "Amended";

Section 300.225, a ";," has been added after "Explosives" in the heading; in subsection (g)(4), "which" has been changed to "that"; in subsection (g)(5), "Subpart" has been replaced with "subsection (g)" and "these regulations" has been changed to "this Section".

Section 300.237(a)(1)(B), the ";," has been changed to ":" and a comma has been added after "requirements".

Section 300.247(d)(3)(A), "can not" has been changed to "cannot"; and "(no

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF ADOPTED AMENDMENTS

fine assessed)" has been added at the end of the sentence.

All numbering has been simplified.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

13) Will this amendment replace an emergency amendment currently in effect?  
No

14) Are there any amendments pending of this Part? No

15) Summary and Purpose of Amendment: The adopted regulations implement the aggregate blasting program, which was, as of July 1, 1996, a completely new statewide blasting program. Although the blasting program is presently operating efficiently, there are a few areas that needed to be amended.

These adopted amendments involve minor definition changes; allow blasting in crushers at any time; expand opportunities for performance standard waivers; amend license examination timeliness; allow specific blasting experience in lieu of general experience for the two year experience requirements; allow license suspension or revocation for failure to complete remedial action in a Notice of Infraction; and amend the violation process.

16) Information and questions regarding this adopted amendment shall be directed to:

Cindy Bushur-Hallam, Legal Counsel  
Department of Natural Resources  
524 South Second Street  
Springfield, IL 62701  
(217)782-1809

The full text of the adopted amendments begins on the next page:

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF ADOPTED AMENDMENTS

TITLE 62: MINING  
CHAPTER 1: DEPARTMENT OF NATURAL RESOURCES

PART 300

## SURFACE MINED LAND CONSERVATION AND RECLAMATION ACT

## SUBPART A: SURFACE MINED LAND CONSERVATION AND RECLAMATION ACT

Section	
300.10	Introduction
300.20	Permits
300.30	Fees
300.40	Bonds
300.50	Permit Application Requirements
300.60	Role of County Government in Reclamation
300.70	Departmental Consideration of Reclamation Plans
300.80	Public Filing of Approved Plans
300.90	Amendments to Permits
300.100	Reclamation Planning
300.110	General Reclamation Requirements
300.120	Criteria For Types of Land Reclamation
300.130	Reclamation of Gob Disposal Areas and Outside Slopes of All Overburden Deposition Areas
300.140	Reclamation of Slurry Pond Disposal Areas
300.150	Water Impoundment Structures
300.160	Affected Acreage Map
300.170	Violations and Forfeiture
300.180	Bond Release Procedure

## SUBPART B: USE OF EXPLOSIVES IN NON-COAL MINERAL EXTRACTION OPERATIONS

Section	
300.200	Scope of this Subpart
300.205	Purpose
300.210	Definitions Applicable to Subpart B
300.215	General Requirements
300.220	Monitoring
300.225	Use of Explosives; Control of Adverse Effects
300.230	Use of Explosives; Blasting Signs, Warnings and Access Control
300.235	Training
300.236	Examination
300.237	Application and Licensure
300.238	Fees
300.239	Denial, Issuance of Notice of Infraction, Suspension, Revocation and Other Administrative Actions
300.245	Notices of Violation
300.246	Cessation Orders
300.247	Office of Mines and Minerals Decision

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF ADOPTED AMENDMENTS

300.248 Hearings

300.249 Temporary Relief

300.250 Subpoenas

ILLUSTRATION A Tree Sampling Procedure

ILLUSTRATION B Typical Sections

AUTHORITY: Implementing and authorized by the Surface Mined Land Conservation and Reclamation Act [225 ILCS 715].

SOURCE: Adopted January 6, 1976; codified at 8 Ill. Reg. 4507; amended at 14 Ill. Reg. 3548, effective February 22, 1990; amended at 20 Ill. Reg. 9546, effective July 1, 1996; recodified from the Department of Mines and Minerals to the Department of Natural Resources at 21 Ill. Reg. 16192; amended at 22 Ill. Reg. 8407, effective April 28, 1998; amended at 23 Ill. Reg. **11231** - 1, effective AUG 20 1999.

NOTE: In this Part, unless the context clearly indicates otherwise, superscript numbers or letters are denoted by parentheses; subscript are denoted by brackets.

## SUBPART B: USE OF EXPLOSIVES IN NON-COAL MINERAL EXTRACTION OPERATIONS

## Section 300.210 Definitions Applicable to Subpart B

"Airblast" (also known as "air overpressure") means airborne waves resulting from the detonation of explosives. Airblast may be caused by burden movement or the release of expanding gas into the air. Airblast may or may not be audible.

"Act" means the Surface Mined Land Conservation and Reclamation Act [225 ILCS 715].

"Authorized Representative of the Department" means an employee of the Illinois Department of Natural Resources, Office of Mines and Minerals, qualified to conduct on-site inspections of blasting operations in order to determine compliance with these regulations.

"Blast" means the detonation of explosives by an operator for a mineral extraction operation.

"Licensed Blaster" means the person authorized to oversee and approve blasting operations on a blasting site.

"Blasting Zone" means any area within the operation that is designated in writing by the operator to the Department as being the area within which blasting operations will be conducted.

"Blasting Operations" means the process of shot design, layout,

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF ADOPTED AMENDMENTS

drilling, loading, detonation and recordkeeping.

"Burden" means the distance from an explosives charge to the nearest free or open face at the time of detonation of each hole.

"Continuing Violation" means a violation of these rules that is ongoing and unabated at the time of inspection.

"Cube Root Scaled Distance" means the distance, in feet, from the blast to a specific location, divided by the cube root of the maximum weight of explosives, in pounds, to be detonated in any eight (8) millisecond period.

"Decibel" means the unit of sound overpressure commonly used to measure airblast from the detonation of explosives. It is also measured in pounds per square inch (p.s.i.), and is defined in terms of the overpressure by the equation:

$$db = 20 \log P/P(0)$$

where:

db = sound level in decibels

P = measured overpressure in p.s.i. (lbs./in.(2))

P(0) = 2.9 x 10<sup>-9</sup> p.s.i. (lbs./in.(2))

The decibel scale is logarithmic.

"Department" means the Illinois Department of Natural Resources.

"Director" means the Director of the Illinois Department of Natural Resources.

"Earth Liners" means structures constructed from naturally occurring soil material that has been compacted to achieve a low permeability.

"Explosives" means any chemical mixture that reacts at high velocity to liberate gas and heat, causing very high pressures.

"Geomembrane" means manufactured membrane liners and barriers of low permeability used to control the migration of fluids or gases.

"Inert Waste" means any solid waste that will not decompose biologically, burn, serve as food for vectors, form a gas, cause an odor, or form a contaminated leachate, as determined in accordance with 35 Ill. Adm. Code 811.202(b). Such inert wastes shall include only non-biodegradable and non-putrescible solid wastes. Inert wastes may include, but are not limited to, bricks, masonry and concrete

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF ADOPTED AMENDMENTS

(cured for 60 days or more).

"Landfill" means a facility permitted by the Illinois Environmental Protection Agency for the disposal of waste on land meeting the requirements of the Resource Conservation and Recovery Act, P.L. 94-590, and regulations thereunder, and without creating nuisances or hazards to public health or safety, by confining the refuse to the smallest practical volume and covering it with a layer of earth at the conclusion of each day's operation, or by such other methods and intervals as the Illinois Pollution Control Board may provide by regulation.

"Office of Mines and Minerals" means the subdivision of the Department of Natural Resources charged with regulating the use of explosives in non-coal mineral extraction operations pursuant to Section 6.5 of the Act ~~9-17-89-267~~ enacted June-23-1995.

"Operation" means the property limits of any non-coal mineral extraction operation.

"Operator" means any the person, firm, partnership or corporation engaged in and controlling a surface mining operation, and includes political subdivisions and instrumentalities of the State of Illinois, having the right to enter upon the operation for the purpose of mineral extraction.

"Particle Velocity" is a measure of ground vibration which describes the velocity at which a particle of ground moves when excited by a seismic wave.

"Person" means any individual, partnership, corporation or other legal business entity.

"Protected Structure" means any dwelling, public building, school, church or commercial or institutional building. Protected structures do not include:

Structures owned by the operator person conducting the blasting activity; and

Structures subject to a waiver from the Department's airblast and ground vibration requirements granted to the operator person conducting the blasting activity.

"Scaled Distance" means the distance, in feet, from the blast to a specified location, divided by the square root of the maximum weight of explosives, in pounds, to be detonated in any eight (8) millisecond period.

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF ADOPTED AMENDMENTS

"Stemming" is inert material (usually crushed stone) that is placed above the explosives column, or vertically between columnar decks of explosives in a blast hole.

(Source: Amended at 23 Ill. Reg. 11231, effective Aug 26 1999.)

## Section 300.215 General Requirements

- a) Each person who conducts blasting operations shall comply with all applicable State and Federal laws governing the use of explosives.
- b) All blasting operations shall be conducted under the direct supervision of a licensed blaster (persons licensed by the Department, as provided in Section 300.237 of this Part). The licensed blaster shall be present at the detonation of the blast.
- c) All blasting shall be conducted between sunrise and sunset except in emergency situations where unscheduled blasting is required to ensure operator or public safety. In such cases, the operator shall notify the Department in writing within 72 hours after the unscheduled blast, stating the reason(s) for the unscheduled blast. After review of the notification, the Department shall determine whether the unscheduled blast was an emergency and take enforcement action if necessary.
- d) Explosives may be used to clear blockage in crushing operations at any time provided the explosive charge does not exceed one pound, and the operator complies with all other requirements of this Part, except those found in subsection (c) above.

(Source: Amended at 23 Ill. Reg. 11231, effective Aug 26 1999.)

## Section 300.225 Use of Explosives; Control of Adverse Effects

- a) Blasting shall be conducted to prevent injury to persons and damage to public or private property outside the blasting zone.
- b) Airblast limits

1) Airblast shall be controlled so that it does not exceed the values specified below at any protected structure, unless such structure is owned by the operator and not leased to any other person, or a waiver has been obtained in accordance with subsection (g) below. person who conducts the surface-mining activities--and is not leased to any other person--if a building owned by the person--conducting surface-mining activities--is leased to another person--the lease may sign a waiver--relieving the operator from meeting the airblast limitations--of this subsection--The waiver shall be submitted to the Department before conducting blasting operations--in accordance with the terms of the waiver.



DEPARTMENT OF NATURAL RESOURCES  
NOTICE OF ADOPTED AMENDMENTS

- Lower frequency limit of  
measuring system. Hz + 3dB
- |                                | Maximum<br>level in dB |
|--------------------------------|------------------------|
| 0.1 Hz or lower--flat response | 134 peak               |
| 2.0 Hz or lower--flat response | 133 peak               |
| 6.0 Hz or lower--flat response | 129 peak               |
- 2) The measuring systems used shall have a flat frequency response of at least 200 Hz at the upper end.
- 3) The person who conducts blasting may satisfy the provisions of this subsection (b) by meeting any of the three specifications in the chart in subsection (b)(1).
- 4) To ensure compliance with the limits contained in this Section, the Department may require an airblast measurement of any or all blasts, and may specify the location of such measurements.
- c) Flyrock, including blasted material traveling in the air or along the ground, but excluding dust and detonation by-products, shall not be cast beyond the blasting zone.
- d) Ground vibration limits
- 1) In all blasting operations, except as otherwise authorized in this Section, the maximum peak particle velocity shall not exceed one inch per second at the location of any protected structure, unless such structure is owned by the operator and not leased to any other person or a waiver has been obtained in accordance with subsection (g) below. ~~Person who conducts the surface mining activities and is not leased to any other person if a building owned by the person conducting surface mining activities is leased to another person; the lessee may sign a waiver relieving the operator from meeting the ground vibration limitations of this subsection. The waiver shall be submitted to the Department before conducting blasting operations in accordance with the terms of the waiver.~~
  - 2) In addition to the requirements in subsection (d)(1) above, when any blast is within 500 feet of a landfill, the blasting shall be conducted in order to control ground vibrations not to exceed five inches per second, at the closest part of the landfill. Blast monitoring shall comply with Section 300.220(a)(2). The ground vibration limit shall not apply to the following: a landfill in the process of being mined through; mining activities associated with the construction of a landfill; a landfill containing only inert waste; or a landfill or any cell of a landfill that does not contain a geomembrane or earth liner.
  - e) When the scaled distance has a value less than 65 at the nearest protected structure, a seismograph recording shall be made at or near that structure. To ensure compliance with the limits contained in this Section, the Department may require a seismograph recording of any or all blasts and may specify the location at which such recordings are

DEPARTMENT OF NATURAL RESOURCES  
NOTICE OF ADOPTED AMENDMENTS

- made.
- f) In lieu of the ground vibration limit(s) in subsection (d) above, the operator may submit a written request to the Department to use an alternative compliance method. Such written request must be supported by sufficient technical information, which may include, but is not necessarily limited to, documented approval of such method by agencies in other states which regulate blasting operations at coal and/or non-coal mineral extraction operations. Upon submittal by the operator of a request to use an alternative compliance method, the Department shall issue a written determination as to whether the technical information submitted provides sufficient justification for the alternative method to be used as a means of demonstrating compliance.
- g) Waivers
- 1) A waiver of the airblast and ground vibration limits in subsections (b) and (d) above may be obtained by the operator in the following circumstances:
    - A) If the protected structure is owned by the operator and leased to any other person; or
    - B) If the protected structure is not owned by the operator but the owner of the structure has a bona fide financial interest in, or commercial relationship with, the mining operation. The operator shall provide written documentation of any such interest or relationship to the Department upon request.
  - 2) The waiver shall be signed by the owner of the structure. Unless the operator is the owner, if the structure is leased to any other person, the waiver must be signed by both the owner and lessee.
  - 3) The waiver shall be in writing in a form approved by the Department, and shall be submitted to the Department before conducting blasting operations in accordance with the term of the waiver.
  - 4) The operator is responsible for keeping complete and up to date records on all waivers executed, including real estate and lease transactions that may affect the validity of the waiver. These records shall be made available for inspection by the Department.
  - 5) The waiver provided for in this subsection (g) shall consist solely of a waiver of the airblast and ground vibration limits set forth in this Section and is not intended to exempt the operator from civil liability.

(Source: Amended at 23 Ill. Reg. **11231**, effective AUG 26 1999)

Section 300.235 Training

- a) Training required herein, for those persons not previously trained in

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF ADOPTED AMENDMENTS

the subjects required herein, shall be conducted by either the Department, the operator or the operator's training representative. The operator's training representative may include but is not limited to junior colleges, consultants and explosives manufacturers. The training must meet the requirements of this Section.

b) The training for blaster's licensure shall include instruction in:

- 1) The design and layout of blasts, including geology, topography and the proper use of delays.
- 2) Control of ground vibration.
- 3) Control of flyrock and airblast.
- 4) Design and loading of boreholes.
- 5) Priming and boosting.
- 6) Tamping and stemming, including methods and materials.
- 7) Blast initiation systems.
- 8) The use of blasting machines.
- 9) The use of circuit testing equipment.
- 10) The general properties of explosives, including blasting agents and selection criteria.
- 11) Ground vibration, airblast and monitoring.
- 12) The use of ground vibration and airblast records as blast design factors.
- 13) The need for accurate reports and blasting logs and their proper preparation.
- 14) Current Illinois and Federal laws and regulations pertaining to blasting at the operation.
- 15) Planning for unpredictable blasting hazards to the public and mine personnel. Illustrative examples are adverse weather, stray electrical currents, flyrock, radio frequency energy and misfires.
- 16) Signs, warning signals and control of the potential flyrock area.
- 17) Site security and safety.

~~18) Blasting notices-if-applicable~~

~~1845) Handling, transportation and storage of explosives.~~

~~1924) New technology as it develops and is implemented in the field.~~

~~2024) Training and licensure certification requirements.~~

c) The licensed blaster shall provide direction and on-the-job training to all non-licensed blasting personnel under his supervision.

(Source: Amended at 23 Ill. Reg. 11231, effective Aug 26 1999)

## Section 300.236 Examination

a) Written examinations for blaster licensure shall be administered at least semiannually ~~semi-annually~~, but not more than quarterly, on dates and at 7 times and at locations announced by the Department via news releases and direct communication with operators and individuals who request, in writing, to be so notified. Such notification shall be

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF ADOPTED AMENDMENTS

~~made at least sixty (60) days prior to the scheduled date of the examination.~~ All persons scheduled for a regular examination session will be so notified at least one (1) week prior to the scheduled exam date. ~~The Department may administer examinations more frequently than quarterly during a one (1) year period following adoption of these regulations.~~

- b) Reexaminations shall be scheduled, if needed, for those persons who do not pass the regularly scheduled examination. ~~The reexamination shall be scheduled approximately forty-five (45) days after each regular examination.~~ The Department shall also allow for examination at this time for those persons who have newly applied for licensure at least thirty (30) days prior to the scheduled reexamination date. All persons scheduled for examination or reexamination during the reexamination session will be so notified at least one (1) week prior to the scheduled reexamination session.
- c) If the applicant cannot attend the examination or reexamination session for which he or she is scheduled, the applicant shall so inform the Department at least one (1) day in advance of the examination date. Failure to do so will result in the application being rejected, and the applicant having to reapply for licensure. Any person who cannot attend such a session and who informs the Department in accordance with this Section will be scheduled for the next examination or reexamination session.
- d) Applicants for blaster licensure shall be examined on the topics set forth in Section 300.235(b).

(Source: Amended at 23 Ill. Reg. 11231, effective Aug 26 1999)

## Section 300.237 Application and Licensure

- a) Each applicant shall submit a completed application for licensure on forms supplied by the Department. The application shall be accompanied by the required fee, which is non-refundable. In order to be scheduled for the next examination session, the application must be received by the Department not less than thirty (30) days prior to that examination date. ~~The Department shall review each application promptly and complete the review of each application not less than fifteen (15) days following the date of receipt of the application.~~ Any applicant whose completed application has been received, reviewed and accepted by the Department more than fifteen (15) days prior to a regularly scheduled examination session shall be scheduled for that session. Any applicant whose application has been received, reviewed and accepted less than fifteen (15) days before a regularly scheduled session may be included with the next regularly scheduled session or the next reexamination session. The completed application shall include:

- 1) Proof of the applicant's blasting experience, which shall

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF ADOPTED AMENDMENTS

include: A) notarized statement from the applicant's employer or a licensed blaster having personal knowledge of the applicant's blasting experience relating to the subjects listed in Section 300.235(b) of this Part, and affirming that the applicant has had at least two years' blasting experience; or

B) A notarized statement from the applicant's employer or a licensed blaster having personal knowledge of the applicant's blasting experience relating to the subjects listed in Section 300.235(b) of this Part, and affirming that the applicant has had at least two years' blasting experience; or

2) Proof that the applicant has successfully completed a blaster training course or courses that cover the material listed in Section 300.235(b) of this Part.

b) The Department shall review each application, including required documents, for completeness and the accuracy of the statements contained in the application and required documents. The Department's acceptance of an application shall be based on the applicant's compliance with the requirements of this Part.

c) Each applicant shall be required to pass a written examination established and administered by the Department. The examination shall cover the subjects set forth in Section 300.235(b) of this Part. The minimum passing score shall be seventy-percent (70%) correct answers. The Department retains the sole right to determine whether any or all responses to examination questions are correct.

d) Any applicant whose application is denied shall be so informed in writing, within thirty--t 30t days after the date the applicant is found to be not qualified. Reason(s) for such denial shall be included with the notification. Each applicant who meets the requirements of subsection (a) above and who passes the examination required in subsection (b) above shall be issued a blaster license as soon as practicable thereafter, but not more than forty-five-t 45t days after the examination date. Any applicant who meets the requirements of Section 300.237(a) but who does not pass the examination shall be so notified within fifteen-t 15t days of the examination date. That person may, upon written request, review his or her examination at the Department's Springfield office. Such request must be made and the review completed not less than ten (t) days prior to the reexamination date for which the applicant is scheduled. The review must be done during the Department's regular business hours. Any

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF ADOPTED AMENDMENTS

person who does not pass the examination shall be scheduled for the next reexamination session, pursuant to Section 300.236(b) of this Part.

e) An employed blaster shall have his or her license readily available for inspection at the operation.

f) A temporary blaster license will be issued to any individual who applies to the Department for such licensure and who provides a photocopy of his or her valid blaster license issued in another state, or the name of the state where the license was issued and the license number. The period of the temporary blaster license shall not exceed six months from the date of issuance. Such a temporary license shall be issued only once to any individual in any continuous five (5) year period.

g) Each license shall be valid for five (5) years from the date of issuance. Renewal following expiration shall be in accordance with the application, examination and licensure requirements of this Part.

h) Blaster licensure shall not be assigned or transferred.

i) Blasters shall not delegate their responsibility to any individual who is not a licensed blaster.

j) The blaster shall take reasonable precaution to protect his or her license from loss, theft or unauthorized duplication. Such loss, theft or duplication shall be reported to the Department without delay.

(Source: Amended at 23 Ill. Reg. **11231**, effective **Aug 24, 1999** )

### Section 300.239 Denial, Issuance of Notice of Infraction, Suspension, Revocation and Other Administrative Actions

a) The Department shall deny an application for, or may revoke or suspend, a license under the provisions of this Section if the Department finds that the applicant or licensee:

1) has willfully violated any provisions of the act or this Part;

2) has made material misstatement or knowingly withheld information in connection with any original or renewal application;

3) has been declared incompetent by any competent court by reasons of mental or physical defect or disease unless a court has since declared him competent;

4) consumes alcohol or unlawfully uses drugs in the workplace;

5) has been convicted in any jurisdiction of any felony within the prior 5 years;

6) is a fugitive from justice.

b) Notice of infraction

1) The Department shall, when in the best interest of protecting public safety or public or private property, issue to the blaster a written notice of infraction requiring remedial action when, on the basis of any inspection, the Department determines that the blaster has committed any of the following infractions:

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF ADOPTED AMENDMENTS

- A) Noncompliance with current Illinois or Federal law or regulations pertaining to blasting at the operation, including the Illinois Explosives Act [225 ILCS 210].
- B) Providing false information or a misrepresentation to obtain licensure.
- C) Consumption of alcohol or unlawful use of drugs in the workplace.
- D) Noncompliance with any order issued by the Department.
- 2) The maximum time allowed to abate the infraction by completing the remedial action shall be stated in the notice and shall include consideration of the nature of the infraction, as well as the availability of resources to complete the abatement. Remedial actions may include, but need not be limited to, a requirement to receive additional training or undergo reexamination to demonstrate competence.
- 3) A copy of such notice shall be forwarded to the blaster's employer.
- 4) Any such notice may be terminated when the remedial action has been completed, modified to correct deficiencies or errors or make other changes in the notice or to change the required abatement date, or vacated if the infraction did not occur or occurred as the result of sabotage by persons other than the blaster.
- 5) The blaster may file a request for review with the Department, and if desired, a hearing within thirty-~~four~~ 30 days after the receipt of the notice of infraction. The request shall include the blaster's name, licensure number, identification of the notice, and the date of the notice. The request shall be forwarded to: Illinois Department of Natural Resources, Office of Mines and Minerals, 524 S. Second St., Springfield, IL 62701-1787. If a hearing is requested, the hearing shall be conducted in accordance with 62 Ill. Adm. Code 300.245(b) and shall be held in Springfield. The Department shall give at least five (5) days notice of the date, time and location of the hearing to the blaster, his or her employer and any person who filed a report which led to the notice that was issued.
- 6) The filing of a request for hearing shall not act as a stay of the remedial actions required as part of the notice of infraction.
- c) License Suspension or Revocation
  - 1) The Department shall, upon a finding of a willful commission of an infraction by the blaster, issue to the blaster a written notice to show cause why his license should not be suspended or revoked for a specified period (not to exceed the term of the license) upon a finding of:
    - A) A willful commission of an infraction; or
    - B) A failure to complete the remedial action stated in a Notice of Infraction.

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF ADOPTED AMENDMENTS

- 2) The blaster shall have ~~twenty-one~~ 21 days from the receipt date of the notice, or other time period necessary for adequate response as may be set out in the notice, in which to file an answer and request a hearing. If the blaster files an answer to the show cause order and requests a hearing, a public hearing shall be provided and conducted in accordance with 62 Ill. Adm. Code 300.248. The Department shall give ~~thirty~~ 30 days written notice of the date, time and location of the hearing to the blaster, the blaster's employer and any person who filed a report which led to the order that was issued.
- 3) If the Department determines that the infraction resulting from the willful act on the part of the blaster creates an imminent danger to the health or safety of the public or imminent damage to public or private property, the Department shall immediately issue a temporary suspension of the blaster's license. The temporary suspension shall be in writing, and shall, with reasonable specificity, set forth the nature of the infraction and the imminent danger or damage incurred or about to be incurred. Such suspension shall be subject to a hearing to be provided not less than ~~fifteen~~ 15 days after the blaster's receipt of the temporary suspension. The hearing shall determine whether the suspension shall be continued or terminated or whether the license shall be revoked. Temporary suspension issued under the authority of this subsection shall not exceed ~~fifteen~~ 15 days. The hearing shall be conducted in accordance with 62 Ill. Adm. Code 300.248 and shall be held at the Department's Springfield office.
- 4) Upon written notice of revocation, including the findings upon which the notice is based, the blaster shall without delay surrender the revoked license to the Department.

(Source: Amended at 23 Ill. Reg. 11231, effective AUG 26 1999)

## Section 300.247 Office of Mines and Minerals Decision

- a) Upon receipt of a notice of violation or cessation order, the Director of the Office of Mines and Minerals, or his designee, shall conduct an investigation and either affirm, vacate or modify the notice of violation or cessation order.
- b) Modification of the Notice of Violation or Cessation Order may include:
  - 1) Any different or additional remedial actions necessary to abate the violation and the time within which the violation must be abated;
  - 2) The assessment of civil penalties for each and every act of violation;
  - 3) Probationary or permanent modification or conditions on the



## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF ADOPTED AMENDMENTS

blasting site which may include special monitoring or reporting requirements:

- 4) The extension of time set for abatement or for accomplishment of an interim step may be extended due to the existence of any additional conditions or factors in aggravation or mitigation of the violation, including information provided by the operator, if the failure to meet the time previously set was not caused by lack of diligence on the part of the operator to whom it was issued; and
  - 5) Termination (when all abatement action required by the Department has been completed).
- c) Inability to Comply
- 1) No cessation order or notice of violation issued under this Part may be vacated because of an inability to comply.
  - 2) Unless caused by lack of diligence, inability to comply may be considered only in mitigation of the amount of civil penalty under subsection (d) of this Section.

## d) Civil Penalty Assessment Process

The Department shall assess a penalty for each notice of violation or cessation order. In determining the amount of civil penalties to assess, the Director of the Office of Mines and Minerals, or his designee, shall consider:

- 1) The operator's history of previous violations. For purposes of determining the history of violations, the Department shall consider only those violations occurring at the same mining operation within a one three-year period.

A) A violation shall not be counted if the notice or order is the subject of pending administrative review by the Department under Section 300.248 or if the time to request such review has not expired, and thereafter it shall be counted for only one year three-years after the date of the Department's final administrative decision or a final judicial decision affirming the Department's decision;

B) No violation for which the notice or order has been vacated shall be counted;

## C) History of Violations

- i) First violation of the rule, assess \$100.00;
- ii) Second violation of the same rule within a one three year period from the date of issuance of the first violation or the date of the final administrative or judicial decision, assess \$250.00;
- iii) Third and subsequent violations of the same rule within a one three year period from the date of issuance of the first violation or the date of the final administrative or judicial decision, assess \$500.00-

2) The seriousness of the violation.

- A) If the violation did not cause injury to persons or cause

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF ADOPTED AMENDMENTS

damage to public or private property, or if the Department cannot clearly make the determination that the violation caused injury to persons or caused damage to public or private property, add \$100.00;

- B) If the violation caused injury to persons or damage to public or private property, add \$500.00;

3) The degree of culpability of the operator.

- A) If the Department cannot make a determination that the operator failed to use reasonable care in the design or execution of the blast, add \$0 (no fine assessed).

BA) If the violation occurred due to the operator's failure to use reasonable care in the design or execution of the blast, add \$250.00;

CB) If the violation occurred as a result of the operator's reckless or deliberate conduct, add \$750.00-

- 4) Administrative Requirements: In the case of a violation of an administrative requirement, such as a requirement to keep records, the Department shall assess a maximum civil penalty of up to \$100.00;

e) The Office of Mines and Minerals Decision, including the civil penalty assessment, shall be served on the operator within sixty 60 days after the issuance of the notice of violation or cessation order. The Office of Mines and Minerals Decision shall provide that the operator has the right to request a hearing to contest the facts of the violation and/or the civil penalty assessed in accordance with Section 300.248(a). The Office of Mines and Minerals Decision affirming, vacating, terminating or modifying the notice of violation or cessation order shall be served by certified mail, return receipt requested, and shall be considered served upon mailing.

f) If the Office of Mines and Minerals Decision includes the assessment of a civil penalty, and the operator named in such decision does not request a hearing in accordance with Section 300.248(a) to contest the amount of the penalty, the amount assessed shall be paid to the Department in full within 30 days after service of the Office of Mines and Minerals Decision.

g) An Office of Mines and Minerals Decision not appealed in accordance with Section 300.248(a) within 30 days after service shall become a final administrative decision of the Department. The operator's failure to request a hearing in accordance with Section 300.248(a) shall constitute a waiver of all legal rights to contest the Office of Mines and Minerals Decision or the cessation order, including the amount of any civil penalty assessed. The filing of a request for hearing under Section 300.248(a) shall not operate as a stay of the Office of Mines and Minerals Decision.

h) All civil penalties assessed and paid to the Department shall be deposited in the Aggregate Operations Regulatory Fund.

(Source: Amended at 23 Ill. Reg. 11231, effective



## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF ADOPTED AMENDMENTS

AUG 26 1999 )

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: General Water Quality Provisions2) Code Citation: 35 Ill. Adm. Code 3023) Section Numbers:

302.101 Amended  
302.501 Amended  
302.502 Amended  
302.503 Amended  
302.504 Amended  
302.507 Amended  
302.521 Amended  
302.535 Amended  
302.540 Amended  
302.545 Amended  
302.555 Amended  
302.560 Amended  
302.563 Amended  
302.565 Amended  
302.580 Amended

Adopted Action:4) Statutory Authority: 415 ILCS 5/5, 13, and 27.5) Effective Date of Amendments: August 26, 19996) Does this rulemaking contain an automatic repeal date? No7) Does this amendment contain incorporations by reference? No8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the Board's Chicago office and is available for public inspection.9) Notice of Proposal Published in Illinois Register: 23 Ill. Reg. 3573, March 26, 199910) Has JCAR issued a Statement of Objections to these amendments: No11) Difference between proposal and final version: No changes have been made.12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements letter issued by JCAR? Yes13) Will these amendments replace an emergency rule currently in effect? No14) Are there any amendments pending on this Part? No15) Summary and Purpose of Amendments: These amendments correct nonsubstantive

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

errors in the text of this Part which was adopted as a part of the implementation of the federal Great Lakes Initiative. At this time, the Board is amending 35 Ill. Adm. Code 301 and 309 to implement additional procedures for the federal Great Lakes Initiative, and the Board included these nonsubstantive corrections in that rulemaking proceeding. For a complete history of this rulemaking, please see the Board's opinion and order of March 4, 1999 in R99-8.

- 16) Information and questions regarding these adopted amendments shall be directed to:

Marie E. Tipsoord  
100 W. Randolph Street  
State of Illinois Center  
Suite 11-500  
Chicago, IL 60601  
312/814-4925

Copies of the Board's opinions and orders may be requested from the Clerk of the Board at the address above. Please refer to the Docket number R99-8 in your request.

The full text of the adopted amendments begins on the next page:

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

TITLE 35: ENVIRONMENTAL PROTECTION  
SUBTITLE C: WATER POLLUTION  
CHAPTER I: POLLUTION CONTROL BOARD

## PART 302

## WATER QUALITY STANDARDS

## SUBPART A: GENERAL WATER QUALITY PROVISIONS

Section	Definitions
302.100	Scope and Applicability
302.101	Allowed Mixing, Mixing Zones and ZIDs
302.102	Stream Flows
302.103	Main River Temperatures
302.104	Nondegradation
302.105	

## SUBPART B: GENERAL USE WATER QUALITY STANDARDS

Section	Scope and Applicability
302.201	Purpose
302.202	Offensive Conditions
302.203	pH
302.204	Phosphorus
302.205	Dissolved Oxygen
302.206	Radioactivity
302.207	Numeric Standards for Chemical Constituents
302.208	Fecal Coliform
302.209	Other Toxic Substances
302.210	Temperature
302.211	Ammonia Nitrogen and Un-ionized Ammonia
302.212	Effluent Modified Waters (Ammonia)
302.213	

## SUBPART C: PUBLIC AND FOOD PROCESSING WATER SUPPLY STANDARDS

Section	Scope and Applicability
302.301	Algalcide Permits
302.302	Finished Water Standards
302.303	Chemical Constituents
302.304	Other Contaminants
302.305	Fecal Coliform
302.306	

## SUBPART D: SECONDARY CONTACT AND INDIGENOUS AQUATIC LIFE STANDARDS

Section	Scope and Applicability
302.401	

POLLUTION CONTROL BOARD  
NOTICE OF ADOPTED AMENDMENTS

302.402	Purpose
302.403	Unnatural Sludge
302.404	pH
302.405	Dissolved Oxygen
302.406	Fecal Coliform (Repealed)
302.407	Chemical Constituents
302.408	Temperature
302.409	Cyanide
302.410	Substances Toxic to Aquatic Life

## SUBPART E: LAKE MICHIGAN BASIN WATER QUALITY STANDARDS

Section	Scope, Applicability, and Definitions
302.501	Dissolved Oxygen
302.502	pH
302.503	Chemical Constituents
302.504	Fecal Coliform
302.505	Temperature
302.506	Thermal Standards for Existing Sources on January 1, 1971
302.507	Thermal Standards for Sources Under Construction But Not in Operation on January 1, 1971
302.508	Other Sources
302.509	Incorporations by Reference
302.510	Offensive Conditions
302.515	Regulation and Designation of Bioaccumulative Chemicals of Concern (BCCs)
302.520	Supplemental Antidegradation Provisions for BCCs
302.521	Radioactivity
302.525	Supplemental Mixing Provisions for Bioaccumulative Chemicals of Concern (BCCs)
302.530	Ammonia Nitrogen
302.535	Other Toxic Substances
302.540	Data Requirements
302.545	Analytical Testing
302.550	Determining the Lake Michigan Aquatic Toxicity Criteria or Values - General Procedures
302.553	Determining the Tier I Lake Michigan Basin Acute Aquatic Toxicity Criterion (LMAATC): Independent of Water Chemistry
302.555	Determining the Tier I Lake Michigan Basin Acute Aquatic Life Toxicity Criterion (LMAATC): Dependent on Water Chemistry
302.560	Determining the Tier II Lake Michigan Basin Acute Aquatic Life Toxicity Value (LMAATV)
302.563	Determining the Lake Michigan Basin Chronic Aquatic Life Toxicity Criterion (LMCAATC) or the Lake Michigan Basin Chronic Aquatic Life Toxicity Value (LMCAATV)
302.565	Procedures for Deriving Bioaccumulation Factors for the Lake Michigan Basin
302.570	

POLLUTION CONTROL BOARD  
NOTICE OF ADOPTED AMENDMENTS

302.575	Procedures for Deriving Tier I Water Quality Criteria in the Lake Michigan Basin to Protect Wildlife
302.580	Procedures for Deriving Water Quality Criteria and Values in the Lake Michigan Basin to Protect Human Health - General
302.585	Procedures for Determining the Lake Michigan Basin Human Health Threshold Criterion (LMHHTC) and the Lake Michigan Basin Human Health Threshold Value (LMHHTV)
302.590	Procedures for Determining the Lake Michigan Basin Human Health Nonthreshold Criterion (LMHNC) or the Lake Michigan Basin Human Health Nonthreshold Value (LMHNV)
302.595	Listing of Bioaccumulative Chemicals of Concern, Derived Criteria and Values

## SUBPART F: PROCEDURES FOR DETERMINING WATER QUALITY CRITERIA

Section	Scope and Applicability
302.601	Definitions
302.603	Mathematical Abbreviations
302.604	Data Requirements
302.606	Determining the Acute Aquatic Toxicity Criterion for an Individual Substance - General Procedures
302.612	Determining the Acute Aquatic Toxicity Criterion - Toxicity Independent of Water Chemistry
302.615	Determining the Acute Aquatic Toxicity Criterion - Toxicity Dependent on Water Chemistry
302.618	Determining the Acute Aquatic Toxicity Criterion - Procedures for Combinations of Substances
302.621	Determining the Chronic Aquatic Toxicity Criterion for an Individual Substance - General Procedures
302.627	Determining the Chronic Aquatic Toxicity Criterion - Procedure for Combination of Substances
302.630	The Wild and Domestic Animal Protection Criterion
302.633	The Human Threshold Criterion
302.642	Determining the Acceptable Daily Intake
302.645	Determining the Human Threshold Criterion
302.648	The Human Nonthreshold Criterion
302.651	Determining the Risk Associated Intake
302.657	Determining the Human Nonthreshold Criterion
302.658	Stream Flow for Application of Human Nonthreshold Criterion
302.660	Bioconcentration Factor
302.663	Determination of Bioconcentration Factor
302.666	Utilizing the Bioconcentration Factor
302.669	Listing of Derived Criteria

APPENDIX A	References to Previous Rules
APPENDIX B	Sources of Codified Sections

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

AUTHORITY: Implementing Section 13 and authorized by Sections 11(b) and 27 of the Environmental Protection Act [415 ILCS 5/13, 11(b) and 27].

SOURCE: Filed with the Secretary of State January 1, 1978; amended at 2 Ill. Reg. 44, p. 151, effective November 2, 1978; amended at 3 Ill. Reg. 20, p. 95, effective May 17, 1979; amended at 3 Ill. Reg. 25, p. 190, effective June 21, 1979; codified at 6 Ill. Reg. 7818; amended at 6 Ill. Reg. 11161, effective September 7, 1982; amended at 6 Ill. Reg. 13750, effective October 26, 1982; amended at 8 Ill. Reg. 1629, effective January 18, 1984; peremptory amendments amended at 10 Ill. Reg. 461, effective December 23, 1985; amended at R87-27 at 12 Ill. Reg. 9911, effective May 27, 1988; amended at R85-29 at 12 Ill. Reg. 12082, effective July 11, 1988; amended in R88-1 at 13 Ill. Reg. 5996, effective April 16, 1989; amended in R88-21(A) at 14 Ill. Reg. 2899, effective February 13, 1990; amended in R88-21(B) at 14 Ill. Reg. 11974, effective July 9, 1990; amended in R94-1(A) at 20 Ill. Reg. 7682, effective May 24, 1996; amended in R94-1(B) at 20 Ill. Reg. 370, effective December 23, 1996; expedited correction at 20 Ill. Reg. 6273, effective December 23, 1996; amended in R97-25 at 22 Ill. Reg. 1236, effective December 23, 1997; amended in R99-8 at 23 Ill. Reg. 11249, effective AUG 26 1999.

NOTE: In this Part, unless the context clearly indicates otherwise, superscript number or letters are denoted by parentheses; subscript are denoted by brackets; and SUM means the summation series or sigma function as used in mathematics.

BOARB-NOVEB--this Part implements the Environmental Protection Act, as of July 31-1994.

## SUBPART A: GENERAL WATER QUALITY PROVISIONS

## Section 302.101 Scope and Applicability

- This Part contains schedules of water quality standards which are applicable throughout the State as designated in 35 Ill. Adm. Code 303. . Site specific water quality standards are found with the water use designations in 35 Ill. Adm. Code 303.
- Subpart B contains general use water quality standards which must be met in waters of the State for which there is no specific designation (35 Ill. Adm. Code 303.201).
- Subpart C contains the public and food processing water supply standards. These are cumulative with Subpart B and must be met by all designated waters at the point at which water is drawn for treatment and distribution as a potable supply or for food processing (35 Ill. Adm. Code 303.202).
- Subpart D contains the secondary contact and indigenous aquatic life standards. These standards must be met only by certain waters designated in 35 Ill. Adm. Code 303.204 and 303.441.
- Subpart E contains the Lake Michigan Basin water quality standards.

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

These must be met in the waters of the Lake Michigan Basin as designated in 35 Ill. Adm. Code 303.443.

- Subpart F contains the procedures for determining each of the criteria designated in Section 302.210.
- Unless the contrary is clearly indicated, all references to "Parts" or "Sections" are to Ill. Adm. Code, Title 35: Environmental Protection. For example, "Part 309" is 35 Ill. Adm. Code 309, and "Section 309.101" is 35 Ill. Adm. Code 309.101.

(Source: Amended at 23 Ill. Reg. 11249, effective AUG 26 1999.)

## SUBPART E: LAKE MICHIGAN BASIN WATER QUALITY STANDARDS

## Section 302.501 Scope, Applicability, and Definitions

- Subpart E contains the Lake Michigan Basin water quality standards. These must be met in the waters of the Lake Michigan Basin as designated in 35 Ill. Adm. Code 303.443.
- In addition to the definitions provided at 35 Ill. Adm. Code 301.200 through 301.444, and in place of conflicting definitions at Section 302.100, the following terms have the meanings specified for the Lake Michigan Basin:

"Acceptable daily exposure" or "ADE" means an estimate of the maximum daily dose of a substance that is not expected to result in adverse noncancer effects to the general human population, including sensitive subgroups.

"Acceptable endpoints", for the purpose of wildlife criteria derivation, means acceptable subchronic and chronic endpoints that which affect reproductive or developmental success, organismal viability or growth, or any other endpoint that which is, or is directly related to, parameters that influence population dynamics.

"Acute to chronic ratio" or "ACR" is the standard measure of the acute toxicity of a material divided by an appropriate measure of the chronic toxicity of the same material under comparable conditions.

"Acute toxicity" means adverse effects that result from an exposure period that which is a small portion of the life span of the organism.

"Adverse effect" means any deleterious effect to organisms due to exposure to a substance. This includes effects that which are or may become debilitating, harmful or toxic to the normal functions

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

of the organism, but does not include non-harmful effects such as tissue discoloration alone or the induction of enzymes involved in the metabolism of the substance.

"Baseline BAF" for organic chemicals, means a BAF that is based on the concentration of freely dissolved chemical in the ambient water and takes into account the partitioning of the chemical within the organism; for inorganic chemicals, a BAF is based on the wet weight of the tissue.

"Baseline BCF" for organic chemicals, means a BCF that is based on the concentration of freely dissolved chemical in the ambient water and takes into account the partitioning of the chemical within the organism; for inorganic chemicals, a BCF is based on the wet weight of the tissue.

"Bioaccumulative chemical of concern" or "BCC" is any chemical that has the potential to cause adverse effects and that, upon entering the surface waters, by itself or as its toxic transformation product, accumulates in aquatic organisms by a human health bioaccumulation factor greater than 1,000, after considering metabolism and other physiochemical properties that might enhance or inhibit bioaccumulation, in accordance with the methodology in Section 302.570. In addition, the half life of the chemical in the water column, sediment or biota must be greater than eight weeks. BCCs include, but are not limited to, the following substances:

Chlordane  
4,4'-DDD; P,p'-DDD; 4,4'-TDE; P,p'-TDE  
4,4'-DDE; P,p'-DDE  
4,4'-DDT; P,p'-DDT  
Dieldrin  
Hexachlorobenzene  
Hexachlorobutadiene; Hexachloro-1,3-butadiene  
Hexachlorocyclohexanes; BHCs  
alpha-Hexachlorocyclohexane; alpha-BHC  
beta-Hexachlorocyclohexane; beta-BHC  
delta-Hexachlorocyclohexane; delta-BHC  
Lindane; gamma-Hexachlorocyclohexane; gamma-BHC  
Mercury  
Mirex  
Octachlorostyrene  
PCBs; polychlorinated biphenyls  
Pentachlorobenzene  
Photomirex  
2,3,7,8-TCDD; Dioxin  
1,2,3,4-Tetrachlorobenzene

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

1,2,4,5-Tetrachlorobenzene  
Toxaphene

"Bioaccumulation" is the net accumulation of a substance by an organism as a result of uptake from all environmental sources.

"Bioaccumulation factor" or "BAF" is the ratio (in L/kg) of a substance's concentration in the tissue of an aquatic organism to its concentration in the ambient water, in situations where both the organism and its food are exposed and the ratio does not change substantially over time.

"Bioconcentration" means the net accumulation of a substance by an aquatic organism as a result of uptake directly from the ambient water through gill membranes or other external body surfaces.

"Bioconcentration Factor" or "BCF" is the ratio (in L/kg) of a substance's concentration in the tissue of an aquatic organism to its concentration in the ambient water, in situations where the organism is exposed through the water only and the ratio does not change substantially over time.

"Biota-sediment accumulation factor" or "BSAF" means the ratio (in kg of organic carbon/kg of lipid) of a substance's lipid-normalized concentration in the tissue of an aquatic organism to its organic carbon-normalized concentration in surface sediment, in situations where the ratio does not change substantially over time, both the organism and its food are exposed, and the surface sediment is representative of average surface sediment in the vicinity of the organism.

"Carcinogen" means a substance that which causes an increased incidence of benign or malignant neoplasms, or substantially decreases the time to develop neoplasms, in animals or humans. The classification of carcinogens is determined by the procedures in Section II.A of Appendix **appendix C** to 40 CFR 132 (1996) incorporated by reference in Section 302.510.

"Chronic effect" means an adverse effect that is measured by assessing an acceptable endpoint, and results from continual exposure over several generations, or at least over a significant part of the test species' projected life span or life stage.

"Chronic toxicity" means adverse effects that result from an exposure period that which is a large portion of the life span of the organism.



## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

"Dissolved organic carbon" or "DOC" means organic carbon that which passes through a 1 um pore size filter.

"Dissolved metal" means the concentration of a metal that will pass through a 0.45 um pore size filter.

"Food chain" means the energy stored by plants is passed along through the ecosystem through trophic levels in a series of steps of eating and being eaten, also known as a food web.

"Food chain multiplier" or "FCM" means the ratio of a BAF to an appropriate BCF.

"Linearized multi-stage model" means a mathematical model for cancer risk assessment. This model fits linear dose-response curves to low doses. It is consistent with a no-threshold model of carcinogenesis.

"Lowest observed adverse effect level" or "LOAEL" means the lowest tested dose or concentration of a substance that which results in an observed adverse effect in exposed test organisms when all higher doses or concentrations result in the same or more severe effects.

"No observed adverse effect level" or "NOAEL" means the highest tested dose or concentration of a substance that results in no observed adverse effect in exposed test organisms where higher doses or concentrations result in an adverse effect.

"Octanol water partition coefficient" or "Kow" is the ratio of the concentration of a substance in the n-octanol phase to its concentration in the aqueous phase in an equilibrated two-phase octanol water system. For log Kow, the log of the octanol water partition coefficient is a base 10 logarithm.

"Open Waters of Lake Michigan" means all of the waters within Lake Michigan in Illinois jurisdiction lakeward from a line drawn across the mouth of tributaries to Lake Michigan, but not including waters enclosed by constructed breakwaters.

"Particulate organic carbon" or "POC" means organic carbon that which is retained by a 1 um pore size filter.

"Relative source contribution" or "RSC" means the percent of total exposure that can be attributed to surface water through water intake and fish consumption.

"Resident or indigenous species" means species that which

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

currently live a substantial portion of their life cycle, or reproduce, in a given body of water, or that which are native species whose historical range includes a given body of water.

"Risk associated dose" or "RAD" means a dose of a known or presumed carcinogenic substance in mg/kg/day which, over a lifetime of exposure, is estimated to be associated with a plausible upper bound incremental cancer risk equal to one in 100,000.

"Slope factor" or "[q]<sub>1</sub>\*" is the incremental rate of cancer development calculated through use of a linearized multistage model or other appropriate model. It is expressed in mg/kg/day of exposure to the chemical in question.

"Standard Methods" means "Standard Methods for the Examination of Water and Wastewater", available from the American Public Health Association.

"Subchronic effect" means an adverse effect, measured by assessing an acceptable endpoint, resulting from continual exposure for a period of time less than that deemed necessary for a chronic test.

"Target species" is a species to be protected by the criterion.

"Target species value" is the criterion value for the target species.

"Test species" is a species that has test data available to derive a criterion.

"Test dose" or "TD" is a LOAEL or NOAEL for the test species.

"Tier I criteria" are numeric values derived by use of the Tier I methodologies that either have been adopted as numeric criteria into a water quality standard or are used to implement narrative water quality criteria.

"Tier II values" are numeric values derived by use of the Tier II methodologies that are used to implement narrative water quality criteria. They are applied as criteria, have the same effect, and are subject to the same appeal rights as criteria.

"Trophic level" means a functional classification of taxa within a community that is based on feeding relationships. For example, aquatic green plants and herbivores comprise the first and second trophic levels in a food chain.

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

"Toxic unit acute" or "TU[a]" is the reciprocal of the effluent concentration that causes 50 percent of the test organisms to die by the end of the acute exposure period, which is 48 hours for invertebrates and 96 hours for vertebrates.

"Toxic unit chronic" or "TU[c]" is the reciprocal of the effluent concentration that causes no observable effect on the test organisms by the end of the chronic exposure period, which is at least seven days for Ceriodaphnia, fathead minnow and rainbow trout.

"Uncertainty factor" or "UF" is one of several numeric factors used in deriving criteria from experimental data to account for the quality or quantity of the available data.

"USEPA" means the United States Environmental Protection Agency.

(Source: Amended at 23 Ill. Reg. 11249, effective AUG 26 1999)

## Section 302.502 Dissolved Oxygen

Dissolved oxygen (STORET number 00300) must not be less than 90% of saturation, except due to natural causes, in the Open Waters of Lake Michigan as defined at Section 302.501. The other waters of the Lake Michigan Basin must not be less than 6.0 mg/L during at least 16 hours of any 24 hour period, nor less than 5.0 mg/L at any time.

(Source: Amended at 23 Ill. Reg. 11249, effective AUG 26 1999)

## Section 302.503 pH

pH (STORET number 00400) must be within the range of 7.0 to 9.0, except for natural causes, in the Open Waters of Lake Michigan as defined at Section 302.501. Other waters of the Basin must be within the range of 6.5 to 9.0, except for natural causes.

(Source: Amended at 23 Ill. Reg. 11249, effective AUG 26 1999)

## Section 302.504 Chemical Constituents

The following concentrations of chemical constituents must not be exceeded, except as provided in Sections 302.102 and 302.530:

- a) The following standards must be met in all waters of the Lake Michigan Basin. Acute aquatic life standards (AS) must not be exceeded at any time except for those waters for which the Agency has approved a zone

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

Of initial dilution (ZID) pursuant to Sections 302.102 and 302.530. Chronic aquatic life standards (CS) and human health standards (HHS) must not be exceeded outside of waters in which mixing is allowed pursuant to Sections 302.102 and 302.530 by the arithmetic average of at least four consecutive samples collected over a period of at least four days. The samples used to demonstrate compliance with the CS or HHS must be collected in a manner that assures an average representation of the sampling period.

Constituent	STORET Number	Unit	AS	CS	HHS
Arsenic (Trivalent, dissolved)	22680	ug/L	340	148	NA
Cadmium (dissolved)	01025	ug/L	exp[A + Bln(H)] A = -3.6867 B = 1.128	exp[A + Bln(H)] A = -2.715 B = 0.7852	NA
Chromium (Hexavalent, total)	01032	ug/L	16	11	NA
Chromium (Trivalent, dissolved)	80357	ug/L	exp[A + Bln(H)] A = 3.7256 B = 0.819	exp[A + Bln(H)] A = 0.6848 B = 0.819	NA
Copper (dissolved)	01040	ug/L	exp[A + Bln(H)] A = -1.700 B = 0.9422	exp[A + Bln(H)] A = -1.702 B = 0.8545	NA
Cyanide (Weak acid dissociable)	00718	ug/L	22	5.2	NA
Lead (dissolved)	01049	ug/L	exp[A + Bln(H)] A = -1.055 B = 1.273	exp[A + Bln(H)] A = -4.003 B = 1.273	NA
Nickel (dissolved)	01065	ug/L	exp[A + Bln(H)] A = 2.255 B = 0.846	exp[A + Bln(H)] A = 0.0584 B = 0.846	NA
Selenium	01145	ug/L	NA	5.0	NA

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

(dissolved)

TRC	50060	ug/L	19	11	NA
Zinc (dissolved)	01090	ug/L	exp(A + Bln(H)) A = 0.884 B = 0.8473	exp(A + Bln(H)) A = 0.884 B = 0.8473	NA
Benzene	34030	ug/L	NA	NA	310
Chlorobenzene	34301	mg/L	NA	NA	3-2
2,4-Dimethylphenol	34606	mg/L	NA	NA	8.7
2,4-Dinitrophenol	03756	mg/L	NA	NA	2.8
Endrin	39390	ug/L	0.086	0.036	NA
Hexachloroethane	34396	ug/L	NA	NA	6.7
Methylene chloride	34423	mg/L	NA	NA	2.6
Parathion	39540	ug/L	0.065	0.013	NA
Pentachlorophenol	03761	ug/L	expB([pH] + A) A = -4.869 B = 1.005	expB([pH] + A) A = -5.134 B = 1.005	NA
Toluene	78131	mg/L	NA	NA	51.0
Trichloroethylene	39180	ug/L	NA	NA	370

Where:

NA = Not Applied

Exp[x] = base of natural logarithms raised to the x-power

ln(H) = natural logarithm of Hardness (STORET 00900)

b) The following water quality standards must not be exceeded at any time in any waters of the Lake Michigan Basin, unless a different standard is specified under subsection (c) of this Section.

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

Constituent	STORET Number	Unit	Water Quality Standard
Barium (total)	01007	mg/L	5.0
Boron (total)	01022	mg/L	1.0
Chloride (total)	00940	mg/L	500
Fluoride	00951	mg/L	1.4
Iron (dissolved)	01046	mg/L	1.0
Manganese (total)	01055	mg/L	1.0
Phenols	32730	mg/L	0.1
Sulfate	00945	mg/L	500
Total Dissolved Solids	70300	mg/L	1000

c) In addition to the standards specified in subsections (a) and (b) of this Section, the following standards must not be exceeded at any time in the Open Waters of Lake Michigan as defined in Section 302.501.

Constituent	STORET Number	Unit	Water Quality Standard
Arsenic (total)	01002	ug/L	50.0
Barium (total)	01007	mg/L	1.0
Chloride	00940	mg/L	12.0
Iron (dissolved)	01046	ug/L	0.30
Lead (total)	01051	ug/L	50.0
Manganese (total)	01055	mg/L	0.15
Nitrate-Nitrogen	00620	mg/L	10.0
Phosphorus	00665	ug/L	7.0
Selenium (total)	01147	ug/L	10.0
Sulfate	00945	mg/L	24.0
Total Dissolved Solids	70300	mg/L	180.0
Oil (hexane solubles or equivalent)	00550, or 00556	mg/L	0.10
Phenols	32730	ug/L	1.0

d) In addition to the standards specified in subsections (a), (b) and (c) of this Section, the following human health standards (HHS) must not be exceeded in the Open Waters of Lake Michigan as defined in Section 302.501 by the arithmetic average of at least four consecutive samples collected over a period of at least four days. The samples used to demonstrate compliance with the HHS must be collected in a manner that assures an average representation of the sampling period.

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

Constituent	STORET Number	Unit	Water Quality Standard
Benzene	34030	ug/L	12.0
Chlorobenzene	34301	ug/L	470.0
2,4-Dimethylphenol	34606	ug/L	450.0
2,4-Dinitrophenol	33757	ug/L	55.0
Hexachloroethane (total)	34396	ug/L	5.30
Lindane	39782	ug/L	0.47
Methylene chloride	34423	ug/L	47.0
Toluene	78131	mg/L	5.60
Trichloroethylene	39180	ug/L	29.0

e) For the following bioaccumulative chemicals of concern (BCCs), acute aquatic life standards (AS) must not be exceeded at any time in any waters of the Lake Michigan Basin and chronic aquatic life standards (CS), human health standards (HHS), and wildlife standards (WS) must not be exceeded in any waters of the Lake Michigan Basin by the arithmetic average of at least four consecutive samples collected over a period of at least four days subject to the limitations of Sections 302.520 and 302.530. The samples used to demonstrate compliance with the HHS and WS must be collected in a manner that assures an average representation of the sampling period.

Constituent	STORET Number	Unit	AS	CS	HHS	WS
Mercury (total)	71900	ng/L	1,700	910	3.1	1.3
Chlordane	39350	ng/L	NA	NA	0.25	NA
DDE and metabolites	39370	pg/L	NA	NA	150	11.0
Dieldrin	39380	ng/L	240	56	0.0065	NA
Hexachlorobenzene	39700	ng/L	NA	NA	0.45	NA
Lindane	39782	ug/L	0.95	NA	0.5	NA
PCBs (class)	79819	pg/L	NA	NA	26	120
2,3,7,8-TCDD	03556	fg/L	NA	NA	9.6	3.1
Toxaphene	39400	pg/L	NA	NA	68	NA

Where:

ng/L = milligrams per liter (10<sup>-3</sup> grams per liter)

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

ug/L = micrograms per liter (10<sup>-6</sup> grams per liter)ng/L = nanograms per liter (10<sup>-9</sup> grams per liter)pg/L = picograms per liter (10<sup>-12</sup> grams per liter)fg/L = femtograms per liter (10<sup>-15</sup> grams per liter)

NA = Not Applied

(Source: Amended at 23 Ill. Reg. 11 24 9, effective AUG 26 1999)

## Section 302.507 Thermal Standards for Existing Sources on January 1, 1971

All sources of heated effluents in existence as of January 1, 1971, shall meet the following restrictions outside of a mixing zone which shall be no greater than a circle with a radius of 305 m (1000 feet) or an equal fixed area of simple form.

- There shall be no abnormal temperature changes that may affect aquatic life.
- The normal daily and seasonal temperature fluctuations that existed before the addition of heat shall be maintained.
- The maximum temperature rise at any time above natural temperatures shall not exceed 1.7° C (3° F). In addition, the water temperature shall not exceed the maximum limits indicated in the following table:

	° C	° F	° C	° F
JAN.	7	45	JUL.	27
FEB.	7	45	AUG.	27
MAR.	7	45	SEPT.	27
APR.	13	55	OCT.	18
MAY	16	60	NOV.	16
JUN.	21	70	DEC.	10

(Source: Amended at 23 Ill. Reg. 11 24 9, effective AUG 26 1999)

## Section 302.521 Supplemental Antidegradation Provisions for BCCs

- Notwithstanding the provisions of Section 302.105, waters within the Lake Michigan Basin must not be lowered in quality due to new or increased loading of substances defined as bioaccumulative chemicals of concern (BCCs) in Section 302.501 from any source or activity subject to the NPDES permitting, Section 401 water quality certification provisions of the Clean Water Act (P.L. 92-100, as

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

amended), or joint permits from the Agency and the Illinois Department of Natural Resources under Section 39(n) of the Act [415 ILCS 5/39(n)] until and unless it can be affirmatively demonstrated that such change is necessary to accommodate important economic or social development.

1) Where ambient concentrations of a BCC are equal to or exceed an applicable water quality criterion, no increase in loading of that BCC is allowed.

2) Where ambient concentrations of a BCC are below the applicable water quality criterion, a demonstration to justify increased loading of that BCC must include the following:

A) Pollution Prevention Alternatives Analysis. Identify any cost-effective and reasonably available pollution prevention alternatives and techniques that would eliminate or significantly reduce the extent of increased loading of the BCC.

B) Alternative or Enhanced Treatment Analysis. Identify alternative or enhanced treatment techniques that are cost effective and reasonably available to the entity that would eliminate or significantly reduce the extent of increased loading of the BCC.

C) Important Social or Economic Development Analysis. Identify the social or economic development and the benefits that would be forgone if the increased loading of the BCC is not allowed.

3) In no case shall increased loading of BCCs result in exceedence of applicable water quality criteria or concentrations exceeding the level of water quality necessary to protect existing uses.

4) Changes in loadings of any BCC within the existing capacity and processes of an existing NPDES authorized discharge, certified activity pursuant to Section 401 of the Clean Water Act, or joint permits from the Agency and the Illinois Department of Natural Resources under Section 39(n) of the Act are not subject to the antidegradation review of subsection (a) of this Section. These changes include but are not limited to:

A) normal operational variability, including, but not limited to, intermittent increased discharges due to wet weather conditions;

B) changes in intake water pollutants;

C) increasing the production hours of the facility; or

D) increasing the rate of production.

5) Any determination to allow increased loading of a BCC pursuant to a demonstration of important economic or social development need shall satisfy the public participation requirements of 40 CFR 25 prior to final issuance of the NPDES permit, Section 401 water quality certification, or joint permits from the Agency and the Illinois Department of Natural Resources under Section 39(n) of the Act.

b) The following actions are not subject to the provisions of subsection

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

(a) of this Section, unless the Agency determines the circumstances of an individual situation warrant application of those provisions to adequately protect water quality:

1) Short-term, temporary (i.e., weeks or months) lowering of water quality;

2) Bypasses that are not prohibited at 40 CFR 122.41(m); or

3) Response actions pursuant to the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), as amended, or similar federal or State authority, undertaken to alleviate a release into the environment of hazardous substances, pollutants or contaminants that which pose danger to public health or welfare.

(Source: Amended at 23 Ill. Reg. 11249, effective AUG 26 1999)

## Section 302.535 Ammonia Nitrogen

The Open Waters of Lake Michigan as defined in Section 302.501 must not exceed 0.02 mg/L total ammonia (as N: STORET Number 0610). The remaining waters of the Lake Michigan Basin ~~basin~~ shall be subject to the following:

a) Total ammonia nitrogen (as N: STORET Number 0610) must in no case exceed 15 mg/L.

b) Un-ionized ammonia nitrogen (as N: STORET Number 00612) must not exceed the acute and chronic standards given below subject to the provisions of Section 302.208(a) and (b) of this Part:

1) From April through October, the Acute Standard (AS) shall be 0.33 mg/L and the chronic standard (CS) shall be 0.057 mg/L.

2) From November through March, the AS shall be 0.14 mg/L and the CS shall be 0.025 mg/L.

c) For purposes of this Section, the concentration of un-ionized ammonia nitrogen as N and total ammonia as N shall be computed according to the following equations:

$$U = \frac{N}{[0.94412(1 + 10(x)) + 0.0559]}$$

$$\text{and } N = U(0.94412(1 + 10(x)) + 0.0559)$$

Where:

$$X = 0.09018 + \frac{2729.92}{(T + 273.16)} - \text{pH}$$

U = Concentration of un-ionized ammonia as N in mg/L

N = Concentration of ammonia nitrogen as N in mg/L

T = Temperature in degrees Celsius.



## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

(Source: Amended at 23 Ill. Reg. **11249** effective  
Aug 20 1999)

## Section 302.540 Other Toxic Substances

Waters of the Lake Michigan Basin must be free from any substance or any combination of substances in concentrations toxic or harmful to human health, or to animal, plant or aquatic life. The numeric standards protective of particular uses specified for individual chemical substances in Section 302.504 are not subject to recalculation by this Section, however, where no standard is applied for a category, a numeric value may be calculated herein.

a) Any substance shall be deemed toxic or harmful to aquatic life if present in concentrations that exceed the following:

- 1) A Tier I Lake Michigan Basin Acute Aquatic Life Toxicity Criterion (LMAAATC) or Tier II Lake Michigan Basin Acute Aquatic Life Toxicity Value (LMAATV) derived pursuant to procedures set forth in Sections 302.555, 302.560 or 302.563 at any time; or
- 2) A Tier I Lake Michigan Basin Chronic Aquatic Life Toxicity Criterion (LMCAATC) or Tier II Lake Michigan Basin Chronic Aquatic Life Toxicity Value (LMCAATV) derived pursuant to procedures set forth in Section 302.565 as an average of four samples collected on four different days.
- b) Any combination of substances, including effluents, shall be deemed toxic to aquatic life if present in concentrations that exceed either subsection (b)(1) or (2) of this Section:
  - 1) No sample of water from the Lake Michigan Basin collected outside of a designated zone of initial dilution shall exceed 0.3 TU(a) as determined for the most sensitive species tested using acute toxicity testing methods.
  - 2) No sample of water from the Lake Michigan Basin collected outside a designated mixing zone shall exceed 1.0 TU(c) as determined for the most sensitive species tested using chronic toxicity testing methods.
  - 3) To demonstrate compliance with subsections (1) and (2) of this subsection (b), at least two resident or indigenous species will be tested. The rainbow trout will be used to represent fishes for the Open Waters of Lake Michigan and the fathead minnow will represent fishes for the other waters of the Lake Michigan Basin. Ceriodaphnia will represent invertebrates for all waters of the Lake Michigan Basin. Other common species shall be used if listed in Table I or 40 CFR 136, incorporated by reference at Section 302.510, and approved by the Agency.
- c) Any substance shall be deemed toxic or harmful to wildlife if present in concentrations that exceed a Tier I Lake Michigan Basin Wildlife Criterion (LMLWC) derived pursuant to procedures set forth in Section 302.575 as an arithmetic average of four samples collected over four different days.
- d) For any substance that is a threat to human health through drinking

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

water exposure only, the resulting criterion or value shall be applicable to only the Open Waters of Lake Michigan. For any substance that is determined to be a BOC, the resulting criterion shall apply in the entire Lake Michigan Basin. These substances shall be deemed toxic or harmful to human health if present in concentrations that exceed either of the following:

- 1) A Tier I Lake Michigan Basin Human Health Threshold Criterion (LMAHTC) or Tier II Lake Michigan Basin Human Health Threshold Value (LMAHTV) based on disease or functional impairment due to a physiological mechanism for which there is a threshold dose below which no damage occurs as derived pursuant to procedures set forth in Section 302.585 as an arithmetic average of four samples collected over four different days; or
- 2) A Tier I Lake Michigan Basin Human Health Nonthreshold Criterion (LMAHNC) or Tier II Lake Michigan Basin Human Health Nonthreshold Value (LMAHNV) based on disease or functional impairment due to a physiological mechanism for which any dose may cause some risk of damage as derived pursuant to procedures set forth in Section 302.590 as an arithmetic average of four samples collected over four different days.
- e) The derived criteria and values apply at all points outside of any waters in which mixing is allowed pursuant to Section 302.102 or Section 302.530.
- f) The procedures of this Subpart E set forth minimum data requirements, appropriate test protocols and data assessment methods for establishing criteria or values pursuant to subsections (b), (c), and (d) of this Section. No other procedures may be used to establish such criteria or values unless approved by the Board in a rulemaking or adjusted standards proceeding pursuant to Title VII of the Act. The validity and applicability of these procedures may not be challenged in any proceeding brought pursuant to Title VIII or X of the Act, although the validity and correctness of application of the numeric criteria or values derived pursuant to this Subpart may be challenged in such proceedings pursuant to subsection (g) of this Section.
- g) Challenges to application of criteria and values.
  - 1) A permittee may challenge the validity and correctness of application of a criterion or value derived by the Agency pursuant to this Section only at the time such criterion or value is first applied in its NPDES permit pursuant to 35 Ill. Adm. Code 309.152 or in an action pursuant to Title VIII of the Act for violation of the toxicity water quality standard. Failure of a person to challenge the validity of a criterion or value at the time of its first application to that person's facility shall constitute a waiver of such challenge in any subsequent proceeding involving application of the criterion or value to that person.
  - 2) Consistent with subsection (g)(1) of this Section, if a criterion

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

or value is included as, or is used to derive, a condition of an NPDES discharge permit, a permittee may challenge the criterion or value in a permit appeal pursuant to 35 Ill. Adm. Code 309.181. In any such action, the Agency shall include in the record all information upon which it has relied in developing and applying the criterion or value, and whether such information was developed by the Agency or submitted by the petitioner. The burden of proof shall be on the petitioner pursuant to Section 40(a)(1) of the Act.

3) Consistent with subsection (g)(1) of this Section, in an action where alleged violation of the toxicity water quality standard is based on alleged excursion of a criterion or value, the person bringing such action shall have the burdens of going forward with proof and persuasion regarding the general validity and correctness of application of the criterion or value.

h) Subsections (a) through (e) of this Section do not apply to USEPA registered pesticides approved for aquatic application and applied pursuant to the following conditions:

- 1) Application shall be made in strict accordance with label directions;
- 2) Applicator shall be properly certified under the provisions of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 135 et seq. (1972));
- 3) Applications of aquatic pesticides must be in accordance with the laws, regulations and guidelines of all State and federal agencies authorized by law to regulate, use or supervise pesticide applications;
- 4) No aquatic pesticide shall be applied to waters affecting public or food processing water supplies unless a permit to apply the pesticide has been obtained from the Agency. All permits shall be issued so as not to cause a violation of the Act or of any of the Board's rules or regulations. To aid applicants in determining their responsibilities under this subsection (h), a list of waters affecting public water supplies will be published and maintained by the Agency's Division of Public Water Supplies.

(Source: Amended 23 Ill. Reg. 11249, effective AUG 26 1999)

## Section 302.545 Data Requirements

The Agency shall review, for validity, applicability and completeness the data used in calculating criteria or values. To the extent available, and to the extent not otherwise specified, testing procedures, selection of test species and other aspects of data acquisition must be according to methods published by USEPA or nationally recognized standards of organizations, including, but not limited to, those methods found in Standard Methods, incorporated by reference in Section 302.510, or recommended in 40 CFR 132 and incorporated by reference

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

in Section 302.510.

(Source: Amended at 23 Ill. Reg. 11249, effective AUG 26 1999)

### Section 302.555 Determining the Tier I Lake Michigan Basin Acute Aquatic Life Toxicity Criterion (LMAATC): Independent of Water Chemistry

If the acute toxicity of the chemical has not been shown to be related to a water quality characteristic, including, but not limited to, hardness, pH, or temperature, the Tier I LMAATC is calculated using the procedures below.

- a) For each species for which more than one acute value is available, the Species Mean Acute Value (SMAV) is calculated as the geometric mean of the acute values from all tests.
- b) For each genus for which one or more SMAVs are available, the Genus Mean Acute Value (GMAV) is calculated as the geometric mean of the SMAVs available for the genus.
- c) The GMAVs are ordered from high to low in numerical order.
- d) Ranks (R) are assigned to the GMAVs from "1" for the lowest to "N" for the highest. If two or more GMAVs are identical, successive ranks are arbitrarily assigned.
- e) The cumulative probability, P, is calculated for each GMAV as  $R/(N+1)$ .
- f) The GMAVs to be used in the calculations of subsection (g) of this Section must be those with cumulative probabilities closest to 0.05. If there are fewer than 59 GMAVs in the total data set, the values utilized must be the lowest four obtained through the ranking procedures of subsections (c) and (d) of this Section.
- g) Using the GMAVs identified pursuant to subsection (f) of this Section and the Ps calculated pursuant to subsection (e) of this Section, the Final Acute Value (FAV) and the LMAATC are calculated as:

$$\begin{aligned} \text{FAV} &= \exp(A) \text{ and} \\ \text{LMAATC} &= \text{FAV}/2 \end{aligned}$$

Where:

$$A = L + 0.2236 S$$

$$L = [\text{SUM}(\text{InGMAV}) - S(\text{SUM}(P(0.5)))]/4$$

$$S = \{[\text{SUM}(\text{InGMAV})\{2\} - (\text{SUM}(\text{InGMAV})\{2\})/4] / [\text{SUM}(P) - ((\text{SUM}(P(0.5)))\{2\}) - 1]/(0.5)]\}$$

- b) If a resident or indigenous species, whose presence is necessary to sustain commercial or recreational activities, will not be protected by the calculated FAV, then the SMAV for that species is used as the FAV.

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

(Source: Amended at 23 Ill. Reg. 11249 - , effective AUG 26 1999)

### Section 302.560 Determining the Tier I Lake Michigan Basin Acute Aquatic Life Toxicity Criterion (LMAATC): Dependent on Water Chemistry

If data are available to show that a relationship exists between a water quality characteristic (WQC) and acute toxicity to two or more species, a Tier I LMAATC must be calculated using procedures in this Section. Although the relationship between hardness and acute toxicity is typically non-linear, it can be linearized by a logarithmic transformation (i.e., for any variable,  $K$ ,  $f(K) = \log_{10}(K)$  of the variables and plotting the logarithm of hardness against the logarithm of acute toxicity. Similarly, relationships between acute toxicity and other water quality characteristics, such as pH or temperature, may require a transformation, including no transformation (i.e., for any variable,  $K$ ,  $f(K) = K$ ) for one or both variables to obtain least squares linear regression of the transformed acute toxicity values on the transformed values of the water quality characteristic. An LMAATC is calculated using the following procedures.

- For each species for which acute toxicity values are available at two or more different values of the water quality characteristic, a linear least squares regression of the transformed acute toxicity (TAT) values on the transformed water quality characteristic (TWQC) values is performed to obtain the slope of the line describing the relationship.
- Each of the slopes determined pursuant to subsection (a) of this Section is evaluated as to whether it is statistically valid, taking into account the range and number of tested values of the water quality characteristic and the degree of agreement within and between species. If slopes are not available for at least one fish and one invertebrate species, or if the available slopes are too dissimilar or if too few data are available to define the relationship between acute toxicity and the water quality characteristic, then the LMAATC must be calculated using the procedures in Section 302.555.
- Normalize the TAT values for each species by subtracting  $W$ , the arithmetic mean of the TAT values of a species, from each of the TAT values used in the determination of the mean, such that the arithmetic mean of the normalized TAT values for each species individually or for any combination of species is zero (0.0).
- Normalize the TWQC values for each species using  $X$ , the arithmetic mean of the TWQC values of a species, in the same manner as in subsection (c) of this Section.
- Group all the normalized data by treating them as if they were from a single species and perform a least squares linear regression of all the normalized TAT values on the corresponding normalized TWQC values to obtain the pooled acute slope,  $V$ .
- For each species, the graphical intercept representing the species TAT intercept,  $f(Y)$ , at a specific selected value,  $Z$ , of the WQC is

## ILLINOIS REGISTER

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

calculated using the equation:

$$f(Y) = W - V(X - g(Z))$$

Where:

- $f()$  is the transformation used to convert acute toxicity values to TAT values
- $Y$  is the species acute toxicity intercept or species acute intercept
- $W$  is the arithmetic mean of the TAT values as specified in subsection (c) of this Section
- $V$  is the pooled acute slope as specified in subsection (e) of this Section
- $X$  is the arithmetic mean of the TWQC values as specified in subsection (c) of this Section
- $g()$  is the transformation used to convert the WQC values to TWQC values
- $Z$  is a selected value of the WQC

- For each species, determine the species acute intercept,  $Y$ , by carrying out an inverse transformation of the species TAT value,  $f(Y)$ . For example, in the case of a logarithmic transformation,  $Y = \text{antilogarithm of } (f(Y))$ ; or in the case where no transformation is used,  $Y = f(Y)$ .
- The Final Acute Intercept (FAI) is derived by using the species acute intercepts, obtained from subsection (f) of this Section, in accordance with the procedures described in Section 302.555(b) through (g), with the word "value" replaced by the word "intercept". Note that in this procedure geometric means and natural logarithms are always used.
- The Aquatic Acute Intercept (AAI) is obtained by dividing the FAI by two. If, for a commercially or recreationally important species, the geometric mean of the acute values at  $Z$  is lower than the FAI at  $Z$ , then the geometric mean of that species must be used as the FAI.
- The LMAATC at any value of the WQC, denoted by WQCx, is calculated using the terms defined in subsection (f) of this Section and the equation:

$$\text{LMAATC} = \exp[V(g(\text{WQCx}) - g(Z)) + f(\text{AAI})]$$

(Source: Amended at 23 Ill. Reg. 11249 - , effective

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

AUG 26 1999

## Section 302.563 Determining the Tier II Lake Michigan Basin Acute Aquatic Life Toxicity Value (LMAATV)

If all eight minimum data requirements for calculating a FAV using Tier I procedures are not met, a Tier II LMAATV must be calculated for a substance as follows:

- a) The lowest GMAV in the database is divided by the Secondary Acute Factor (SAF) corresponding to the number of satisfied minimum data requirements listed in the Tier I methodology (Section 302.553). In order to calculate a Tier II LMAATV, the data base must contain, at a minimum, a GMAV for one of the following three genera in the family Daphnidae -- *Ceriodaphnia* sp., *Daphnia* sp., or *Simocephalus* sp. The Secondary Acute Factors are:

Number of Minimum data requirements satisfied (required taxa)	Secondary Acute Factor
1	43.8
2	26.0
3	16.0
4	14.0
5	12.2
6	10.4
7	8.6

- b) If dependent on a water quality characteristic, the Tier II LMAATV must be calculated according to Section 302.560.

(Source: Amended at 23 Ill. Reg. 11249, effective AUG 26 1999)

## Section 302.565 Determining the Lake Michigan Basin Chronic Aquatic Life Toxicity Criterion (LMCATC) or the Lake Michigan Basin Chronic Aquatic Life Toxicity Value (LMCATV)

- a) Determining Tier I LMCATC
- When chronic toxicity data are available for at least eight resident or indigenous species from eight different North American genera of freshwater organisms as specified in Section 302.553, a Tier I LMCATC is derived in the same manner as the FAV in Section 302.555 or 302.560 by substituting LMCATC for FAV or FAL, chronic for acute, SMCV (Species Mean Chronic Value) for SNAV, and GMCV (Genus Mean Chronic Value) for GMAV.
  - If data are not available to meet the requirements of subsection (a) of this Section, a Tier I LMCATC is calculated by dividing

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

the FAV by the geometric mean of the acute-chronic ratios (ACRs) obtained from at least one species of aquatic animal from at least three different families provided that of the three species:

- A) At least one is a fish;

- B) At least one is an invertebrate; and

- C) At least one species is an acutely sensitive freshwater species if the other two are saltwater species.

- 3) The acute-chronic ratio (ACR) for a species equals the acute toxicity concentration from data considered under Section 302.555 or 302.560, divided by the chronic toxicity concentration.

- 4) If a resident or indigenous species whose presence is necessary to sustain commercial or recreational activities will not be protected by the calculated LMCATC, then the SMCV for that species is used as the CATC.

- b) Determining the Tier II LMCATV

- 1) If all eight minimum data requirements for calculating a FAV using Tier I procedures are not met, or if there are not enough data for all three ACRs, a Tier II Lake Michigan Chronic Aquatic Life Toxicity Value shall be calculated using a secondary acute chronic ratio (SACR) determined as follows:

- A) If fewer than three valid experimentally determined ACRs are available:

- 1) Use sufficient ACRs of 18 so that the total number of ACRs equals three; and

- ii) Calculate the Secondary Acute-Chronic Ratio as the geometric mean of the three ACRs; or

- B) If no experimentally determined ACRs are available, the SACR is 18.

- 2) Calculate the Tier II LMCATV using one of the following equations:

- A) Tier II LMCATV = FAV // SACR

- B) Tier II LMCATV = SAV // FACR

- C) Tier II LMCATV = SAV // SACR

Where:

the SAV equals 2 times the value of the Tier II LMAATV calculated in Section 302.563

- 3) If, for a commercially or recreationally important species, the SMCV is lower than the calculated Tier II LMCATV, then the SMCV must be used as the Tier II LMCATV.

(Source: Amended at 23 Ill. Reg. 11249, effective AUG 26 1999)



## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

## the Lake Michigan Basin to Protect Human Health - General

- a) The Lake Michigan Basin human health criteria or values for a substance are those concentrations at which humans are protected from adverse effects resulting from incidental exposure to, or ingestion of, the waters of Lake Michigan and from ingestion of aquatic organisms taken from the waters of Lake Michigan. A Lake Michigan Human Health Threshold Criterion (LMHTC) or Lake Michigan Human Health Threshold Value (LMHTV) will be calculated for all substances according to Section 302.585, if data is available. Water quality criteria or values for substances which are, or may be, carcinogenic to humans will also be calculated according to procedures for the Lake Michigan Human Health Nonthreshold Criterion (LMHNC) or the Lake Michigan Human Health Nonthreshold Value (LMHNV) in Section 302.590.
- b) Minimum data requirements for BAFs for Lake Michigan Basin human health criteria:
- 1) Tier I.
    - A) For all organic chemicals, either a field-measured BAF or a BAF derived using the BSAF methodology is required unless the chemical has a BAF less than 125, then a BAF derived by any methodology is required; and
    - B) For all inorganic chemicals, including organometals such as mercury, either a field-measured BAF or a laboratory-measured BCF is required.
  - 2) Tier II. Any bioaccumulation factor method in Section 302.570(a) may be used to derive a Tier II criterion.

(Source: Amended at 23 Ill. Reg. 11249, effective  
AUG 26 1999)

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

## 1) Heading of the Part: Introduction

2) Code Citation: 35 Ill. Adm. Code 301

Section Numbers:	Adopted Action:
301.106	Amended
301.221	New
301.231	New
301.301	New
301.311	New
301.312	New
301.331	New
301.341	New
301.346	New
301.356	New
301.371	New
301.372	New
301.373	New
301.411	New
301.421	New
301.441	New
301.442	New
301.443	New

4) Statutory Authority: 415 ILCS 5/5, 13, and 27

5) Effective Date of Amendments: August 26, 1999

6) Does this rulemaking contain an automatic repeal date? No

7) Does this amendment contain incorporations by reference? Yes

8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the Board's Chicago office and is available for public inspection.

9) Notice of Proposal Published in Illinois Register: 23 Ill. Reg. 3563, March 26, 1999

10) Has JCAR issued a Statement of Objection to this amendment? No

11) Difference between proposal and final version:

In Section 301.312, deleted "approved in 40 CFR 136."; and, at the end of the existing section added: The analytical procedure used for determining minimum level must be a procedure published by USEPA or nationally recognized organization, including but not limited to those methods found in 40 CFR 136, 40 CFR 137, or Standard Methods, incorporated by reference



## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

in 35 Ill. Adm. Code 302.510.

In Section 301.371, deleted "approved in 40 CFR 136"; and, at the end of the existing section added: The analytical procedure used for determining minimum level must be a procedure published by USEPA or nationally recognized organization, including but not limited to those methods found in 40 CFR 136, 40 CFR 132, or Standard Methods, incorporated by reference in 35 Ill. Adm. Code 302.510.

- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements letter issued by JCAR? Yes
- 13) Will this amendment replace an emergency rule currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Amendment: This rule amends the Board's rules by updating the citation to the Code of Federal Regulations at Section 301.106 and by adding specialized definitions that are contained in the rules adopted by the Illinois Environmental Protection Agency (IEPA) at 35 Ill. Adm. Code 352.104. These amendments were proposed by the IEPA to the Board to ensure consistency between the Board and IEPA's rules regarding the implementation of the federal Great Lakes Initiative in Illinois. For a complete history of this rulemaking please see the Board's opinion and order of August 19, 1999 in 899-8.

- 16) Information and questions regarding this adopted amendment shall be directed to:

Marie Tipsord  
Illinois Pollution Control Board  
100 West Randolph  
Suite 11-500  
Chicago, IL 60601  
(312) 814-4925

Copies of the Board's opinions and order may be requested from the Clerk of the Board at the above address. Please refer to the Docket number 899-8 in your request.

The full text of the adopted amendments begins on the next page:

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

TITLE 35: ENVIRONMENTAL PROTECTION  
SUBTITLE C: WATER POLLUTION  
CHAPTER I: POLLUTION CONTROL BOARD

PART 301  
INTRODUCTION

Section	Authority
301.101	Policy
301.102	Repeals
301.103	Analytical Testing
301.104	References to Other Sections
301.105	Incorporations by Reference
301.106	Severability
301.107	Adjusted Standards
301.108	Definitions
301.200	Act
301.205	Administrator
301.210	Agency
301.215	Aquatic Life
301.220	Area of Concern
301.221	Artificial Cooling Lake
301.225	Basin
301.230	Biodegradable Chemicals of Concern
301.231	Board
301.235	CWA
301.240	Calumet River System
301.245	Chicago River System
301.250	Combined Sewer
301.255	Combined Sewer Service Area
301.260	Construction
301.265	Dilution Ratio
301.270	Effluent
301.275	Hearing Board
301.280	Industrial Wastes
301.285	Institute
301.290	Intrastate Waters
301.295	Intrastate Waters
301.300	Lake Michigan Lakewide Management Plan
301.301	Land Runoff
301.305	Marine Toilet
301.310	Method Detection Level
301.311	Minimum Level
301.312	Modification
301.315	New Source
301.320	NPDES
301.325	Other Wastes
301.330	



## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

approved 1984.

NTIS. National Technical Information Service, 5285 Port Royal Road, Springfield, VA 22161 (703)487-4600

SIDES: STOREX Input Data Editing System, January 1973, Document Number PB-227 052/6

NTIS. National Technical Information Service, February 1984, Document Number AD-P004 768/8

USEPA. United States Environmental Protection Agency, Office of Health and Environmental Assessment, Washington, D.C. 20460

Mutagenicity and Carcinogenicity Assessment for 1,3-butadiene, September 1985, Document Number EPA/600/8-85/004A

c) The Board incorporates the following Federal regulations by reference. Available from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. (202)783-3238:

Procedure 5.B.2 of Appendix F of 40 CFR 132 (1995)

40 CFR 136 (1986/1988)

40 CFR 302.4 (1988)

40 CFR 136 (1988)

d) This Section incorporates no future editions or amendments.

(Source: Added at 23 Ill. Reg. 11277, effective AUG 26 1989)

### Section 301.221 Area of Concern

Area of Concern or AOC is an area specially designated for remediation efforts.

(Source: Added at 23 Ill. Reg. 11277, effective AUG 26 1989)

### Section 301.231 Bioaccumulative Chemicals of Concern

Bioaccumulative Chemicals of Concern or BCC means a chemical or class of chemicals meeting the definition at 35 Ill. Adm. Code 302.501.

(Source: Added at 23 Ill. Reg. 11277, effective AUG 26 1989)

### Section 301.301 Lake Michigan Lakewide Management Plan

Lake Michigan Lakewide Management Plan or LAMP is a plan to manage the Illinois portion of Lake Michigan as approved by USEPA.

(Source: Added at 23 Ill. Reg. 11277, effective AUG 26 1989)

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

### Section 301.311 Method Detection Level

Method Detection Level is the minimum concentration of an analyte (substance) that can be measured and reported with 99 percent confidence that the analyte concentration is greater than zero as determined by the procedure set forth in Appendix B of 40 CFR 136.

(Source: Added at 23 Ill. Reg. 11277, effective AUG 26 1989)

### Section 301.312 Minimum Level

Minimum level or ML is the concentration at which the entire analytical system must give a recognizable signal and acceptable calibration point. The ML is the concentration in a sample that is equivalent to the concentration of the lowest calibration standard analyzed by a specific analytical procedure, assuming that all the method-specified sample weights, volumes and processing steps have been followed. The analytical procedure used for determining minimum level must be the same as the analytical procedure used for determining maximum level. This section is limited to those methods in 40 CFR 136, 40 CFR 137, or Standard Methods, incorporated by reference in 35 Ill. Adm. Code 302.510.

(Source: Added at 23 Ill. Reg. 11277, effective AUG 26 1989)

### Section 301.331 Outlier

Outlier is a test value that is not statistically valid under tests approved in 40 CFR 136.

(Source: Added at 23 Ill. Reg. 11277, effective AUG 26 1989)

### Section 301.341 Pollutant Minimization Program

Pollutant Minimization Program means a plan to achieve or maintain the goal of reducing contaminant discharges to below water quality based effluent limits.

(Source: Added at 23 Ill. Reg. 11277, effective AUG 26 1989)

### Section 301.346 Preliminary Effluent Limitation

Preliminary Effluent Limitation or PEL is an estimate of an allowable discharge taking into consideration mixing or dilution.

(Source: Added at 23 Ill. Reg. 11277, effective AUG 26 1989)

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

## Section 301.356 Projected Effluent Quality

Projected Effluent Quality or PQQ is the amount of a contaminant estimated to be discharged by a facility or activity taking into account statistical analysis of the discharge or activity.

(Source: Added at 23 Ill. Reg. 11277, effective Aug 26 1989)

## Section 301.371 Quantification Level

Quantification Level is a measurement of the concentration of a contaminant obtained by using a specified laboratory procedure and calibrated at a specified concentration above the method detection level. It is considered the lowest concentration at which a particular contaminant can be quantitatively measured using a specified laboratory procedure for monitoring of the contaminant. The analytical procedure used for determining quantification level shall be approved by the U.S. Environmental Protection Agency and the organization, including but not limited to those methods found in 40 CFR 136, 40 CFR 132, or Standard Methods, incorporated by reference in 35 Ill. Adm. Code 302.510.

(Source: Added at 23 Ill. Reg. 11277, effective Aug 26 1989)

## Section 301.372 Reasonable Potential Analysis

Reasonable Potential Analysis or Reasonable Potential to Exceed means the likelihood that an existing or future discharge would cause or contribute to a violation of water quality standards, criteria or values.

(Source: Added at 23 Ill. Reg. 11277, effective Aug 26 1989)

## Section 301.373 Same Body of Water

Same Body of Water means that, for purposes of evaluating intake toxic substances consistent with 35 Ill. Adm. Code 352.425, the Agency will consider intake toxic substances to be from the same body of water if the Agency finds that the same body of water would have caused the majority of the outfall point in the receiving water body. The Agency will not find that the same body of water if the permittee and there is a direct hydrological connection between the intake and the discharge points. Notwithstanding the provisions of this definition, an intake toxic substance shall be considered to be from the same body of water if the permittee's intake point is located on Lake Michigan and the outfall point is located on a tributary of Lake Michigan. In this situation, the background concentration of the toxic substance in the receiving water shall be similar to or greater than that in the intake water and the

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

difference, if any, between the water quality characteristics of the intake and receiving water shall not result in an adverse impact on the receiving water.

(Source: Added at 23 Ill. Reg. 11277, effective Aug 26 1989)

## Section 301.411 Total Maximum Daily Load

Total Maximum Daily Load or TMDL is the sum of the individual wasteload allocations for point sources and load allocations for nonpoint sources and natural background, as more fully defined at 40 CFR 130.2(i). A TMDL sets and allocates the maximum amount of a pollutant that may be introduced into a water body and still assure attainment and maintenance of water quality standards.

(Source: Added at 23 Ill. Reg. 11277, effective Aug 26 1989)

## Section 301.421 Wasteload Allocation

Waste Load Allocation or WLA is the portion of receiving water's loading capacity that is allocated to one of its existing or future point sources of pollution, as more fully defined at 40 CFR 130.2(b). In the absence of a TMDL approved by USEPA pursuant to 40 CFR 130.7 or an assessment and remediation plan developed and approved in accordance with procedure 3.A of Appendix F of 40 CFR 132, a WLA is the allocation for an individual point source that ensures that the level of water quality to be achieved by the point source is derived from and complies with all applicable water quality standards.

(Source: Added at 23 Ill. Reg. 11277, effective Aug 26 1989)

## Section 301.441 Water Quality Based Effluent Limitation

Water Quality Based Effluent Limitation or WQBEL is a limit imposed in a permit so that the applicable water quality standard, criteria or value is not exceeded outside of a designated mixing zone.

(Source: Added at 23 Ill. Reg. 11277, effective Aug 26 1989)

## Section 301.442 Wet Weather Point Source

Wet Weather Point Source means any discernible, confined and discrete conveyance from which pollutants are, or may be, discharged as the result of a wet weather event. Discharges from wet weather point sources shall include only: discharges of stormwater from a municipal separate storm sewer as defined at 40 CFR 122.26(b)(8); stormwater discharge associated with industrial activity as defined at 40 CFR 122.26(b)(14); discharges of stormwater and

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

sanitary wastewaters (domestic, commercial, and industrial) from a combined sewer overflow, or any other stormwater discharge for which a permit is required under Section 402(b) of the Clean Water Act. A stormwater discharge associated with industrial activity that is mixed with process wastewater shall not be considered a wet weather point source.

(Source: added at 23 Ill. Reg. 11277, effective Aug 26 1999.)

## Section 301.443 Whole Effluent Toxicity

Whole Effluent Toxicity or WET means a test procedure that determines the effect of an effluent on aquatic life.

(Source: Added at 23 Ill. Reg. 11277, effective Aug 26 1999.)

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Permits
- 2) Code Citation: 35 Ill. Adm. Code 309
- 3) Section Numbers: Adopted Action:  
309.141 Amended
- 4) Statutory Authority: 415 ILCS 5/5, 13, and 27
- 5) Effective Date of Amendments: August 26, 1999
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this amendment contain incorporations by reference? No
- 8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the Board's Chicago office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: 23 Ill. Reg. 3586, March 26, 1999
- 10) Has JCAR issued a Statement of Objections to this amendment? No
- 11) Differences between proposal and final version:  
In Section 309.141(h)(5)(B), inserted:  
B) Bioaccumulative chemicals of concern (BCCs):  
i) No mixing shall be allowed for new discharges of BCCs commencing on or after December 24, 1997. The PEL will be set equivalent to the water quality standard.  
ii) Mixing shall be allowed for discharges of BCCs which existed as of December 24, 1997 in accordance with the requirements of 35 Ill. Adm. Code 302.530.

Renumbered Section 309.141(h)(5)(B) to Section 309.141(h)(5)(C).

In Section 309.141(h)(6)(B)(iii), after "established" inserted "on a case-by-case basis"; "generic" inserted "on a case-by-case basis"; after "water column data" inserted a semi-colon and "water column concentrations estimated through use of acceptable caged or resident fish tissue data".

In Section 309.141(h)(6)(B)(iii), after "level," inserted "commonly accepted statistical techniques shall be used to evaluate the data"; and



## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

deleted "values less than the detection level shall be assumed to be present at 1/2 of the detection level if the detection level is less than the lowest water quality value for that pollutant"; also, deleted "if the detection level of the available data is greater than the lowest water quality value for the pollutant, then the background concentration will be determined by the Agency on a case-by-case basis after considering all representative data, including acceptable fish tissue data."

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements letter issued by JCAR? Yes

13) Will this amendment replace an emergency amendment currently in effect? No

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Amendments: The rulemaking amends 35 Ill. Adm. Code 309.141 by adding implementation procedures under Section 309.141(h). These procedures are intended to be used by the Illinois Environmental Protection Agency (IEPA) when issuing NPDES permits to Lake Michigan Basin Dischargers. Section 309.141(h)(1) provides that the Total Maximum Daily Load (TMDL) or the Waste Load Allocations (WLA) will be set through either the Lake Michigan Lakewide Management Plan (LaMP) or the remedial action plan (RAP) for an area of concern. Section 309.141(h)(2) specifies an acceptable additive risk level of one in 100,000 for establishing Tier I criteria and Tier II values for combinations of substances exhibiting carcinogenic or other nonthreshold toxic mechanisms. Section 309.141(h)(3) sets forth the conversion factors to be used in translating between water quality standards, criteria or values for metals expressed in either the dissolved form or as total amount recoverable. Section 309.141(h)(4) together with the procedures specified in 35 Ill. Adm. Code 352 Subpart D provide guidance to the IEPA in choosing which pollutants require water quality based effluent limits (WQBEL) and, if required, at what level in NPDES permits. Section 309.141(h)(6) sets forth a simple mass balance formula for calculating PEL giving consideration to the water quality standard, relative flowrates of effluent and receiving water, dilution allowance and the background concentration of the parameter. Section 309.141(h)(7) sets forth the conditions under which a WQBEL or certain monitoring requirements must be included in the NPDES permit based upon a comparison of PEQ and PEL. For a complete history of this rulemaking, please see the Board's opinion and order of March 4, 1999 in R99-8.

16) Information and questions regarding this adopted amendment shall be directed to:

Marie E. Tipsord  
100 W. Randolph Street

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

State of Illinois Center  
Suite 11-500  
Chicago, IL 60601  
(312) 814-4925

Copies of the Board's opinions and orders may be requested from the Clerk of the Board at the address above. Please refer to the Docket number R99-8 in your request.

The full text of the adopted amendments begins on the next page:

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

## TITLE 35: ENVIRONMENTAL PROTECTION

## SUBTITLE C: WATER POLLUTION

## CHAPTER 1: POLLUTION CONTROL BOARD

PART 309  
PERMITS

## SUBPART A: NPDES PERMITS

Section	
309.101	Preamble
309.101	NPDES Permit Required
309.102	Application -- General
309.103	Renewal
309.104	Authority to Deny NPDES Permits
309.105	Access to Facilities and Further Information
309.106	Distribution of Applications
309.107	Tentative Determination and Draft Permit
309.108	Public Notice
309.109	Contents of Public Notice of Application
309.110	Combined Notices
309.111	Agency Action After Comment Period
309.112	Fact Sheets
309.113	Notice to Other Governmental Agencies
309.114	Public Hearings on NPDES Permit Applications
309.115	Notice of Agency Hearing
309.116	Agency Hearing File
309.117	Agency Hearing After Hearing
309.118	Terms and Conditions of NPDES Permits
309.119	Water Quality Standards and Waste Load Allocation
309.120	Effluent Limitations
309.121	Federal New Source Standards of Performance
309.122	Duration of Permits
309.123	Authority to Establish Recording, Reporting, Monitoring and Sampling Requirements
309.124	Authority to Apply Entry and Inspection Requirements
309.125	Schedules of Compliance
309.126	Authority to Require Notice of Introduction of Pollutants into Publicly Owned Treatment Works
309.127	Authority to Ensure Compliance by Industrial Users with Sections 204(b), 307 and 308 of the Clean Water Act
309.128	Maintenance and Equipment
309.129	Toxic Pollutants
309.130	Deep Well Disposal of Pollutants (Repealed)
309.131	Authorization to Construct
309.132	Sewage Sludge Disposal
309.133	Total Dissolved Solids Reporting and Monitoring

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

## Appeal of Final Agency Action on a Permit Application

## Authority to Modify, Suspend or Revoke Permits

## Revision of Schedule of Compliance

## Permit Modification Pursuant to Variance

## Public Access to Information

## Effective Date

## SUBPART B: OTHER PERMITS

Section	
309.201	Preamble
309.202	Construction Permits
309.203	Operating Permits; New or Modified Sources
309.204	Operating Permits; Existing Sources
309.205	Joint Construction and Operating Permits
309.206	Experimental Permits
309.207	Former Permits (Repealed)
309.208	Permits for Sites Receiving Sludge for Land Application
309.209	Applications -- Contents
309.210	Applications -- Signatures and Authorizations
309.211	Applications -- Registered or Certified Mail
309.212	Applications -- Time to Apply
309.213	Applications -- Filing and Final Action By Agency
309.214	Standards for Issuance
309.215	Duration of Permits Issued Under Subpart B
309.216	Conditions
309.217	Appeals from Conditions in Permits
309.218	Permit No Defense
309.219	Design, Operation and Maintenance Criteria
309.220	Modification of Permits
309.221	Permit Revocation
309.222	Approval of Federal Permits
309.223	Procedures
309.224	Effective Date
309.225	Severability

## APPENDIX A References to Previous Rules

the Authority: Implementing Sections 13 and 13.3 and authorized by Section 27 of the Environmental Protection Act (415 ILCS 5/13, 13.3 and 27).

SOURCE: Adopted in R71-14, at 4 PCB 3, March 7, 1972; amended in R73-11, 12, at 14 PCB 661, December 5, 1974, at 16 PCB 511, April 24, 1975, and at 28 PCB 509, December 20, 1977; amended in R73-11, 12, at 29 PCB 477, at 2 111. Reg. 16, p. 20, effective April 20, 1978; amended in R79-13, at 39 PCB 263, at 4 111. Reg. 34, p. 159, effective August 7, 1980; amended in R77-12B, at 41 PCB 369, at 5 111. Reg. 6384, effective May 28, 1981; amended in R76-21, at 44 PCB 203, at 6 111. Reg. 563, effective December 24, 1981; codified at 6 111. Reg.

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

7818; amended in R2-5, 10, at 54 PCB 411, at 8 Ill. Reg. 1612, effective January 18, 1984; amended in R85-44 at 12 Ill. Reg. 2495, effective January 13, 1988; amended in R88-1 at 13 Ill. Reg. 5993, effective April 18, 1989; amended in R88-21(A) at 14 Ill. Reg. 2892, effective February 13, 1990; amended in R91-5 at 16 Ill. Reg. 7337, effective April 27, 1992; amended in R95-22 at 20 Ill. Reg. 9526, effective ~~August 5, 1999~~ August 6, 1999.

NOTE: In this Part, unless the context clearly indicates otherwise, superscript numbers or letters are denoted by parentheses; subscript are denoted by brackets; and SUM means the summation series or sigma function as used in mathematics.

## SUBPART A: NPDES PERMITS

## Section 309.141 Terms and Conditions of NPDES Permits

In establishing the terms and conditions of each issued NPDES Permit, the Agency shall apply and ensure compliance with all of the following, whenever applicable:

- a) Effluent limitations under Sections **Section** 301 and 302 of the CWA;
- b) Standards of performance for new sources under Section 306 of the CWA;
- c) Effluent Standards, effluent prohibitions, and pretreatment standards under Section 307 of the CWA;
- d) Any more stringent limitation, including those:
  - 1) necessary to meet water quality standards, treatment standards, or schedules of compliance, established pursuant to any Illinois statute or regulation (under authority preserved by Section 510 of the CWA),
  - 2) necessary to meet any other federal law or regulation, or
  - 3) required to implement any applicable water quality standards; such limitations to include any legally applicable requirements necessary to implement total maximum daily loads established pursuant to Section 303(d) of the CWA and incorporated in the continuing planning process approved under Section 303(e) of the CWA and any regulations or guidelines issued pursuant thereto;
- e) Any more stringent legally applicable requirements necessary to comply with a plan approved pursuant to Section 208(b) of the CWA;
- f) Prior to promulgation by the Administrator of the U.S. Environmental Protection Agency of applicable effluent standards and limitations pursuant to sections 301, 302, 306 and 307 of the CWA, such conditions as the Agency determines are necessary to carry out the provisions of the CWA ~~and~~;
- g) If the NPDES Permit is for the discharge of pollutants into navigable waters from a vessel or other floating craft (except that no NPDES Permit shall be issued for the discharge of pollutants from a vessel or other floating craft into Lake Michigan) any applicable regulations promulgated by the Secretary of the Department in which the Coast

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

Guard is operating, establishing specifications for safe transportation, handling, carriage, storage and stowage of pollutants; and

b) If the NPDES Permit is for the discharge of pollutants from other than wet weather point sources into the Lake Michigan Basin as defined at 35 Ill. Adm. Code 303.443:

- 1) Total Maximum Daily Loads (TMDLs) and Waste Load Allocation (WLA) will be established through either the LAMP or a RAP for an Area of Concern. If a LAMP or RAP has not been completed and adopted, effluent limits shall be established consistent with the other provisions of this Section, including, but not limited to, Additivity, Intake Pollutants, Loading Limits, Level of Detection/Level of Quantification and Compliance Schedules. When calculation of TMDLs or a Waste Load Allocation is incomplete and it is expected that limits established through other provisions will be superseded upon completion of the TMDL or Waste Load Allocation process, those limits shall be identified as interim and the permit shall include a reopening clause triggered by completion of a TMDL or WLA determination. Any new limits brought about through exercise of the reopening clause shall be eligible for delayed compliance dates and compliance schedules consistent with Section 39(b) of the Act (415 ILCS 5/39(b)).
- 2) 35 Ill. Adm. Code 309.148, and 35 Ill. Adm. Code 332-Subpart H, 35 Ill. Adm. Code 302.590 establishes an acceptable additive risk level of one in 100,000 (10<sup>-5</sup>) for establishing Tier I criteria and Tier II values for combinations of substances exhibiting a carcinogenic or other nonthreshold toxic mechanism. For those discharges containing multiple nonthreshold substances application of this additive standard shall be consistent with this subsection.

A) For discharges in the Lake Michigan Basin containing one or more 2,3,7,8-substituted chlorinated dibenzo-p-dioxins or 2,3,7,8-substituted dibenzofurans, the tetrachloro dibenzo-p-dioxin 2,3,7,8-(TCDD) toxicity equivalence concentration (TEC[TCDD]) shall be determined as outlined in subsection (b)(2)(B).

B) The values listed in the following table shall be used to determine the 2,3,7,8-TCDD toxicity equivalence concentrations using the following equation:

$$[TEC][TCDD] = \text{Sigma}(C)[x] \text{ (TEF)}[x] \text{ (BEP)}[x]$$

WHERE:

$[TEC][TCDD]$  = 2,3,7,8-TCDD toxicity equivalence concentration in effluent

$[C][x]$  = Concentration of total chemical x in effluent

$[TEF][x]$  = TCDD toxicity equivalency factor for x

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

(BEF)[x] = TCDD bioaccumulation equivalency factor for x

TABLE

Congener	TEF	BEF
2,3,7,8-TCDD	1.0	1.0
1,2,3,7,8-PeCdd	0.5	0.9
1,2,3,4,7,8-HxCdd	0.1	0.3
1,2,3,6,7,8-HxCdd	0.1	0.1
1,2,3,7,8,9-HxCdd	0.1	0.1
1,2,3,4,6,7,8-HpCdd	0.01	0.0
OCDD	0.001	0.0
2,3,7,8-TCDF	0.1	0.8
1,2,3,7,8-PeCDF	0.05	0.2
1,2,3,4,7,8-PeCDF	0.5	1.6
1,2,3,4,7,8-HxCDF	0.1	0.0
1,2,3,6,7,8-HxCDF	0.1	0.2
1,2,3,4,6,7,8-HxCDF	0.1	0.7
1,2,3,7,8,9-HxCDF	0.1	0.0
1,2,3,4,6,7,8-HpCDF	0.01	0.0
1,2,3,4,7,8,9-HpCDF	0.01	0.4
OCDF	0.001	0.0

- C) Any combination of carcinogenic or otherwise nonthreshold toxic substances shall be assessed on a case by case basis. The Agency shall only consider such additivity for chemicals that exhibit the same type of effect and the same mechanism of toxicity, based on available scientific information that supports a reasonable assumption of additive effects.
- 3) Conversion factors for determining the dissolved concentration of metals from the total recoverable concentration.

A) The numeric standards for certain metal parameters in 35 Ill. Adm. Code 302.504 are established as dissolved forms of the substance since the dissolved form more closely relates to the toxicology literature utilized in deriving the standard. However, most discharge monitoring data used in deriving a PQO will be from a total recoverable analytical method and permit limits if and when established will be set at total recoverable to accommodate the total recoverable analytical method. The Agency will use a conversion factor to determine the amount of total metal corresponding to dissolved metal for each metal with a water quality standard set at dissolved concentration. In the absence of facility specific data the following default conversion factors will be used for both PQO derivation and establishing WQBELs. The conversion factor represents the portion of the total recoverable metal presumed to be in dissolved form. The

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

conversion values given in the following table are multiplied by the appropriate total recoverable metal concentration to obtain a corresponding dissolved concentration that then may be compared to the acute or chronic standard. A dissolved metal concentration may be divided by the conversion factor to obtain a corresponding total metal value that will generally be the metal form regulated in NPDES permits.

Metal	Conversion Factor	Chronic Standard
Arsenic	1.000	1.000
Cadmium	0.850	0.850
Chromium (Trivalent)	0.316	0.860
Chromium (Hexavalent)	0.982	0.962
Copper	0.960	0.960
Mercury	0.850	0.850
Nickel	0.998	0.997
Selenium	0.922	0.922
Zinc	0.976	0.980

- B) A permittee may propose an alternate conversion factor for any particular site specific application. The request must contain sufficient site specific data, or other data that is representative of the site, to identify a representative ratio of the dissolved fraction to the total recoverable fraction of the metal in the receiving water body at the edge of the mixing zone. If a site specific conversion factor is approved, that factor will be used for PQO derivation and establishment of a WQBEL in lieu of its default counterpart in subsection (b)(3)(A).

4) Reasonable potential to exceed.

- A) The first step in determining if a reasonable potential to exceed the water quality standard exists for any particular pollutant parameter is the estimation of the maximum expected effluent concentration for that substance. That estimation will be completed for both acute and chronic exposure periods and is termed the PQO. The PQO shall be derived from representative facility specific data to reflect a 95 percent confidence level for the 95th percentile value. These data will be presumed to adhere to a lognormal distribution pattern unless the actual effluent data demonstrates a different distribution pattern. If



## POLLUTION CONTROL BOARD

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

## NOTICE OF ADOPTED AMENDMENTS

facility specific data in excess of 10 data values is available, a coefficient of variation that is the ratio of the standard deviation to the arithmetic average shall be calculated by the Agency. The PEQ is derived as the upper bound of a 95 percent confidence bracket around the 95th percentile value through a multiplier from the following table applied to the maximum value in the data set that has its quality assured consistent with 35 Ill. Adm. Code 352.410 as appropriate for acute and chronic data sets.

PEQ = (maximum data point)(statistical multiplier)

No.	0.1	0.2	0.3	0.4	0.5	0.6	0.7	0.8	0.9	1.0	1.1	1.21.3
<u>Samples</u>												
1	1.4	1.2	2.6	3.6	4.7	6.2	8.0	10.1	12.6	15.5	18.7	22.326.4
2	1.3	1.6	2.0	2.5	3.1	3.8	4.6	5.4	6.4	7.4	8.5	2.710.9
3	1.2	1.5	1.8	2.1	2.5	3.0	3.5	4.0	4.6	5.2	5.8	6.57.2
41-21.4	1.7	1.9	2.2	2.6	2.9	3.3	3.7	4.2	4.6	5.05.5		
51-21.4	1.6	1.8	2.1	2.3	2.6	2.9	3.2	3.6	3.9	4.24.5		
61-11.3	1.5	1.7	1.9	2.1	2.4	2.6	2.9	3.1	3.4	3.73.9		
71-11.3	1.4	1.6	1.8	2.0	2.2	2.4	2.6	2.8	3.1	3.33.5		
8	1.1	1.3	1.4	1.6	1.7	1.9	2.1	2.3	2.4	2.6	2.8	3.03.2
91.1	1.2	1.4	1.5	1.7	1.8	2.0	2.1	2.3	2.4	2.6	2.82.9	
101-11.2	1.3	1.5	1.6	1.7	1.9	2.0	2.2	2.3	2.4	2.62.7		
111-11.2	1.3	1.4	1.6	1.7	1.8	1.9	2.1	2.2	2.3	2.42.5		
121-11.2	1.3	1.4	1.5	1.6	1.7	1.9	2.0	2.1	2.2	2.32.4		
131-11.2	1.3	1.4	1.5	1.6	1.7	1.8	1.9	2.0	2.1	2.22.3		
141-11.2	1.3	1.4	1.4	1.5	1.6	1.7	1.8	1.9	2.0	2.12.2		
151-11.2	1.2	1.3	1.4	1.5	1.6	1.7	1.8	1.9	2.02.1			
16	1.1	1.1	1.2	1.3	1.4	1.5	1.6	1.6	1.7	1.8	1.9	1.92.0
171.1	1.1	1.2	1.3	1.4	1.4	1.5	1.6	1.7	1.7	1.8	1.91.9	
181-11.1	1.2	1.3	1.3	1.4	1.5	1.6	1.6	1.7	1.7	1.81.7		
191-11.1	1.2	1.3	1.3	1.4	1.5	1.5	1.6	1.6	1.6	1.7	1.81.8	
201-11.1	1.2	1.2	1.3	1.4	1.4	1.5	1.5	1.6	1.6	1.7	1.71.7	
301-01.1	1.1	1.1	1.1	1.2	1.2	1.2	1.3	1.3	1.3	1.4	1.41.4	
401-01.0	1.1	1.1	1.1	1.1	1.1	1.1	1.1	1.2	1.2	1.2	1.21.2	
501-01.0	1.0	1.0	1.0	1.0	1.0	1.0	1.1	1.1	1.1	1.1	1.11.1	
60 or greater	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.01.0

available, an alternative PEQ shall be derived using the table in subsection (h)(4)(A) assuming a coefficient of variation of 0.6, applied to the maximum value in the data set that has its quality assured consistent with 35 Ill. Adm. Code 352.410.

- i) If the PEQ is less than or equal to the water quality standard, there is no reasonable potential and no limit will be established in the permit.
- ii) If the PEQ exceeds the water quality standard, an alternative PEQ will be calculated using the maximum value in the data set and a multiplier of 1.4. If the alternative PEQ also exceeds the water quality standard, the Agency will proceed to consider dilution and mixing pursuant to subsection (h)(5).
- iii) If the PEQ exceeds the water quality standard but the alternative PEQ is less than or equal to the standard, the Agency will either proceed to consider dilution and mixing pursuant to subsection (h)(5), or will incorporate a monitoring requirement and reopener clause to reassess the potential to exceed within a specified time schedule, not to exceed one year. In determining which of these options to use in any individual application, the Agency shall consider the operational and economic impacts on the permittee and the effect, if any, deferral of a final decision would have on an ultimate compliance schedule if a permit limit were subsequently determined to be necessary.

C) The Agency shall compare monthly average effluent data values, when available, with chronic aquatic life, human health and wildlife standards to evaluate the need for monthly average WQBELs. The Agency shall use daily effluent data values to determine whether a potential exists to exceed acute aquatic life water quality standards.

- D) The Agency may apply other scientifically defensible statistical methods for calculating PEQ for use in the reasonable potential analysis as provided for in procedure 5.b.2 of Appendix F to 40 CFR 132, incorporated by reference at 35 Ill. Adm. Code 301.106.

E) Regardless of the statistical procedure used, if the PEQ for the parameter is less than or equal to the water quality standard for that parameter, the Agency shall deem the discharge not to have a reasonable potential to exceed, and a water quality based effluent limit (WQBEL) shall not be required unless otherwise required under 35 Ill. Adm. Code 352.430.

- 5) If the PEQ for a parameter is greater than the particular water quality standard, criteria or value for that parameter, the Agency will assess the level of treatment being provided by the

- i) If the PEQ is less than or equal to the water quality standard, there is no reasonable potential and no limit will be established in the permit.
- ii) If the PEQ is more than the water quality standard, the Agency will proceed to consideration of dilution and mixing pursuant to subsection (h)(5).

- B) If facility-specific data of 10 or less data values is



## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

discharger. If the discharger is providing (or will be providing) a level of treatment consistent with the best degree of treatment required by 35 Ill. Adm. Code 304.102(a), the PEQ derived under subsection (b)(4) shall be compared to a preliminary effluent limitation (PEL) determined by applying an appropriate mixing zone or a default mixing zone to the discharge. Mixing opportunity and dilution credit will be considered as follows:

A) Discharges to tributaries of the Lake Michigan Basin shall be considered to have no available dilution for either acute or chronic exposures, and the PEL will be set equivalent to the water quality standard unless dilution is documented through a mixing zone study.

B) Bioaccumulative chemicals of concern (BCCs):

- i) No mixing shall be allowed for new discharges of BCCs commencing on or after December 24, 1997. The PEL will be set equivalent to the water quality standard.
- ii) Mixing shall be allowed for discharges of BCCs which existed as of December 24, 1997 in accordance with the requirements of 35 Ill. Adm. Code 302.530.

C) Direct discharges to the Open Waters of Lake Michigan shall have a default mixing allowance of 2:1 for acute standards, criteria or values and 10:1 for chronic standards. Criteria or values if the discharge configuration indicates that the effluent readily and rapidly mixes with the receiving waters. If ready and rapid mixing is in doubt the Agency shall deny any default dilution or mixing allowance and require a mixing or dispersion study to determine the proper dilution allowance. If the discharge applies for more than the default dilution or mixing allowance, it must submit a mixing or dispersion study to justify its request. Whenever a mixing or dispersion study is available, it shall be used to determine dilution or mixing allowance in lieu of the default allowance.

6) Preliminary effluent limitations calculations.

A) The preliminary effluent limitation (PEL) is calculated in a simple mass balance approach reflecting the dilution allowance established in subsection (b)(5):

$$WQS = [(Q_e)(PEL) + (Q_d)(C_d)] / [Q_e + Q_d] \text{ or} \\ PEL = [WQS(Q_e + Q_d) - (Q_d)(C_d)] / Q_e$$

WHERE:

WQS = applicable water quality standard, criteria or value

Qe = effluent flowrate

Qd = allowable dilution flowrate

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

Cd = background pollutant concentration in dilution water

B) The representative background concentration of pollutants to develop TMDLs and WQAs calculated in the absence of a TMDL shall be established as follows:

- i) "Background" represents all pollutant loadings, specifically loadings that flow from upstream waters into the specified watershed, water body, or water body segment for which a TMDL or WQA in the absence of a TMDL is being developed and enter the specified watershed water body, or water body segment through atmospheric deposition, chemical reaction, or sediment release or resuspension.
- ii) When determining what available data are acceptable for use in calculating background, the Agency shall use its best professional judgment, including consideration of the sampling location and the reliability of the data through comparison, in part, to detection and quantification levels. When data in more than 1 of the data sets or categories described in subsection (b)(6)(B)(iii) exists, best professional judgment shall be used to select the data that most accurately reflects or estimates background concentrations. Pollutant degradation and transport information may be considered when using pollutant loading data to estimate a water column concentration.
- iii) The representative background concentration for a pollutant in the specified watershed, water body, or water body segment shall be established on a case-by-case basis as the geometric mean of acceptable water column data, water column concentrations estimated through use of acceptable caged or resident fish tissue data, or water column concentrations estimated through the use of acceptable or projected pollutant loading data. When determining the geometric mean of the data for a pollutant that includes values both above and below the detection level, commonly accepted statistical techniques shall be used to evaluate the data. If all of the acceptable data in a data set are below the detection level for a pollutant, then all the data for the pollutant in that data set shall be assumed to be zero.

7) Water quality based effluent limitations.

- A) If the PEQ is less than or equal to the PEL, it will be concluded that there is no reasonable potential to exceed. Under such circumstances a permit limit for that contaminant will not be set unless otherwise justified under one or more

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

- provisions of 35 Ill. Adm. Code 352.430.
- B) If the PEQ is equal to or greater than the PEL, and the PEQ was calculated using a data set of more than 10 values, a water quality based effluent limitation (WQBEL) will be included in the permit. If the PEQ was calculated using a data set of less than or equal to 10 values, and the alternative PEQ calculated under subsection (h)(4)(B) also exceeds the PEL, a WQBEL will be included in the permit.
- C) If the PEQ was calculated using a data set of less than or equal to 10 values, and the PEQ is greater than the PEL but the alternative PEQ is less than the PEL, the Agency will either establish a WQBEL in the permit or incorporate a monitoring requirement and recoper clause to reassess potential to exceed within a specified time schedule, not to exceed one year. In determining which of these options to use in any individual application, the Agency shall consider the operational and economic impacts on the permittee and the effect, if any, deferral of a final decision would have on an ultimate compliance schedule if a permit limit were subsequently determined to be necessary.
- D) The WQBEL will be set at the PEL, unless the PEL is appropriately modified to reflect credit for intake pollutants when the discharged water originates in the same water body to which it is being discharged. Consideration of intake credit will be limited to the provisions of 35 Ill. Adm. Code 352.425.
- E) The reasonable potential analysis shall be completed separately for acute and chronic aquatic life effects. When WQBELs are based on acute impacts, the limit will be expressed as a daily maximum. When the WQBEL is based on chronic effects, the limit will be expressed as a monthly average. Human health and wildlife based WQBELs will be expressed as monthly averages. If circumstances warrant, the Agency shall consider alternatives to daily and monthly limits.

(†)Section-369-144(f) was declared invalid in Peabody-Gent-Ed-Vt-PEB,--3  
 111--App--3d-5-(5th-District-1976)-and-declared-valid-in-U.S.-Steel  
 Vt-PEB, 52-111-App-3d-1-(2d-District-1977)-

(Source: Amended at 23 Ill. Reg. 11287, effective  
 Aug 24 1990)

## DEPARTMENT OF PUBLIC AID

## NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Medical Assistance Programs
- 2) Code Citation: 89 Ill. Adm. Code 120
- 3) Section Numbers: Adopted Action:  
120.387 Amendment
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13]
- 5) Effective Date of Amendments: August 27, 1999
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do these amendments contain incorporations by reference? No
- 8) A copy of the adopted amendments, including any materials incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: May 7, 1999 (23 Ill. Reg. 5474)
- 10) Has JCAR issued a Statement of Objections to these amendments? No
- 11) Differences Between Proposal and Final Version: No substantive changes have been made in the text of the proposed amendments.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will these amendments replace emergency amendments currently in effect?  
No
- 14) Are there any other amendments pending on this Part? No
- 15) Summary and Purpose of Amendments: These amendments to the Department's rules concerning medical assistance eligibility add an additional provision on allowable transfers. Current policy provides that the purchase of an annuity by an institutionalized person is subject to the asset transfer provisions. To determine if the transfer is allowable, the lump sum premium amount is compared to the expected monthly return on the annuity along with the life expectancy of the person.

The Department has become aware that the marketing of Medicaid planning devices sometimes includes plans offering back-end loaded annuities that pay only very small monthly amounts until the final month of life expectancy when a balloon payment reflecting the payout balance is made.

DEPARTMENT OF PUBLIC AID  
NOTICE OF ADOPTED AMENDMENTS

Such annuity plans are intended to primarily benefit the person's heirs. While these annuities are literally consistent with current policy, they are in conflict with the intent of asset consideration for the purpose of equitable medical assistance eligibility determination. These amendments address this problem by requiring that annuity payment benefits are made in approximately equal periodic amounts.

16) Information and questions regarding these adopted amendments shall be directed to

Joanne Jones  
Office of the General Counsel - Rules  
Illinois Department of Public Aid  
201 South Grand Avenue East, Third Floor  
Springfield Illinois 62763-0002  
(217) 524-0081

The full text of the adopted amendments begins on the next page:

DEPARTMENT OF PUBLIC AID  
NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES  
CHAPTER I: DEPARTMENT OF PUBLIC AID  
SUBCHAPTER b: ASSISTANCE PROGRAMS

PART 120  
MEDICAL ASSISTANCE PROGRAMS

SUBPART A: GENERAL PROVISIONS

Section  
120.1 Incorporation By Reference

SUBPART B: ASSISTANCE STANDARDS

Section  
120.10 Eligibility For Medical Assistance  
120.11 MANG(P) Eligibility  
120.12 Healthy Start - Medicaid Presumptive Eligibility Program For Pregnant Women  
120.20 MANG(AABD) Income Standard  
120.30 MANG(C) Income Standard  
120.31 MANG(P) Income Standard  
120.40 Exceptions To Use Of MANG Income Standard  
120.50 AMI Income Standard (Repealed)

SUBPART C: FINANCIAL ELIGIBILITY DETERMINATION

Section  
120.60 All Cases Other Than Intermediate Care, Skilled Nursing Care, DHS Facilities, DHS Approved Community Based Settings and Pregnant Women and Children Under Age 19 Who Do Not Qualify As Mandatory Categorically Needy Cases in Intermediate Care, Skilled Nursing Care and DMHDD - MANG(AABD) and All Other Licensed Medical Facilities  
120.61 Department of Mental Health and Developmental Disabilities (DMHDD) Approved Home and Community Based Residential Settings Under 89 Ill. Adm. Code 140.643  
120.63 Department of Mental Health and Developmental Disabilities (DMHDD) Approved Home and Community Based Residential Settings  
120.64 MANG(P) Cases  
120.65 Department of Mental Health and Developmental Disabilities (DMHDD) Licensed Community - Integrated Living Arrangements

SUBPART D: SUPPLEMENTARY MEDICAL INSURANCE

Section  
120.70 Supplementary Medical Insurance Benefits (SMIB) Buy-In Program  
120.72 Eligibility for Medicare Cost Sharing as a Qualified Medicare

## DEPARTMENT OF PUBLIC AID

## NOTICE OF ADOPTED AMENDMENTS

120.73 Beneficiary (OMB)  
 120.74 Eligibility for Medicaid Payment of Medicare Part B Premiums as a  
 Specified Low-Income Medicare Beneficiary (SLIB)  
 120.75 Qualified Medicare Beneficiary (QMB) Income Standard  
 120.76 Specified Low-Income Medicare Beneficiary (SLIB) Income Standards  
 Hospital Insurance Benefits (HIB)

## SUBPART E: RECIPIENT RESTRICTION PROGRAM

Section  
 120.80 Recipient Restriction Program

## SUBPART F: MIGRANT MEDICAL PROGRAM

Section  
 120.90 Migrant Medical Program  
 120.91 Income Standards

## SUBPART G: AID TO THE MEDICALLY INDIGENT

Section  
 120.200 Elimination of Aid to the Medically Indigent  
 120.208 Client Cooperation (Repealed)  
 120.210 Citizenship (Repealed)  
 120.211 Residence (Repealed)  
 120.212 Age (Repealed)  
 120.215 Relationship (Repealed)  
 120.216 Living Arrangement (Repealed)

120.217 Supplemental Payments (Repealed)  
 120.218 Institutional Status (Repealed)  
 120.224 Foster Care Program (Repealed)  
 120.225 Social Security Numbers (Repealed)  
 120.230 Unearned Income (Repealed)  
 120.235 Exempt Unearned Income (Repealed)  
 120.236 Education Benefits (Repealed)  
 120.240 Unearned Income In-Kind (Repealed)  
 120.245 Earmarked Income (Repealed)  
 120.250 Lump Sum Payments and Income Tax Refunds (Repealed)  
 120.255 Protected Income (Repealed)  
 120.260 Earned Income (Repealed)  
 120.261 Budgeting Earned Income (Repealed)  
 120.262 Exempt Earned Income (Repealed)  
 120.270 Recognized Employment Expenses (Repealed)  
 120.271 Income From Work/Study/Training Program (Repealed)  
 120.272 Earned Income From Self-Employment (Repealed)  
 120.273 Earned Income From Roomer and Boarder (Repealed)  
 120.275 Earned Income In-Kind (Repealed)  
 120.276 Payments from the Illinois Department of Children and Family Services

## DEPARTMENT OF PUBLIC AID

## NOTICE OF ADOPTED AMENDMENTS

(Repealed)  
 120.280 Assets (Repealed)  
 120.281 Exempt Assets (Repealed)  
 120.282 Asset Disregards (Repealed)  
 120.283 Deferral of Consideration of Assets (Repealed)  
 120.284 Spend-down of Assets (AMI) (Repealed)  
 120.285 Property Transfers (Repealed)  
 120.290 Persons Who May Be Included in the Assistance Unit (Repealed)  
 120.295 Payment Levels for AMI (Repealed)

## SUBPART H: MEDICAL ASSISTANCE - NO GRANT

Section  
 120.308 Client Cooperation  
 120.309 Caretaker Relative  
 120.310 Citizenship  
 120.311 Residence  
 120.312 Age  
 120.313 Blind  
 120.314 Disabled  
 120.315 Relationship  
 120.316 Living Arrangements  
 120.317 Supplemental Payments  
 120.318 Institutional Status  
 120.319 Assignment of Rights to Medical Support and Collection of Payment  
 120.320 Cooperation in Establishing Paternity and Obtaining Medical Support  
 120.321 Good Cause for Failure to Cooperate in Establishing Paternity and  
 Obtaining Medical Support

120.322 Proof of Good Cause for Failure to Cooperate in Establishing  
 Paternity and Obtaining Medical Support  
 120.323 Suspension of Paternity Establishment and Obtaining Medical Support  
 Upon Finding Good Cause  
 120.324 Health Insurance Premium Payment (HIPP) Program  
 120.325 Health Insurance Premium Payment (HIPP) Pilot Program  
 120.326 Foster Care Program  
 120.327 Social Security Numbers  
 120.330 Unearned Income  
 120.332 Budgeting Unearned Income  
 120.335 Exempt Unearned Income  
 120.336 Education Benefits  
 120.338 Incentive Allowance  
 120.340 Unearned Income In-Kind  
 120.342 Court Ordered Child Support Payments of Parent/Step-Parent  
 120.345 Earmarked Income  
 120.346 Medicaid Qualifying Trusts  
 120.347 Treatment of Trusts  
 120.350 Lump Sum Payments and Income Tax Refunds  
 120.355 Protected Income



DEPARTMENT OF PUBLIC AID  
NOTICE OF ADOPTED AMENDMENTS

120.360 Earned Income  
120.361 Budgeting Earned Income  
120.362 Exempt Earned Income  
120.363 Earned Income Disregard - MANG(C)  
120.364 Earned Income Exemption  
120.365 Recognized Employment Expenses  
120.366 Income From Work/Study/Training Programs  
120.371 Earned Income From Self-Employment  
120.372 Earned Income From Roomer and Boarder  
120.373 Earned Income in Kind  
120.376 Payments from the Illinois Department of Children and Family Services  
120.379 Provisions for the Prevention of Spousal Impoverishment  
120.380 Assets  
120.381 Exempt Assets  
120.382 Asset Disregard  
120.383 Deferral of Consideration of Assets  
120.384 Spend-down of Assets (MANG)  
120.385 Property Transfers for Applications Filed Prior to October 1, 1989 (Repealed)  
120.386 Property Transfers Occurring On or Before August 10, 1993  
120.387 Property Transfers Occurring On or After August 11, 1993  
120.390 Persons Who May Be Included in the Assistance Unit  
120.391 Individuals Under Age 18 Who Do Not Qualify For AFDC/AFDC-MANG and Children Born October 1, 1983, or Later  
120.392 Pregnant Women Who Would Not Be Eligible For AFDC/AFDC-MANG If The Child Were Already Born Or Who Do Not Qualify As Mandatory Categorically Needy  
120.393 Pregnant Women and Children Under Age Eight Years Who Do Not Qualify As Mandatory Categorically Needy Demonstration Project  
120.395 Payment Levels for MANG (Repealed)  
120.399 Redetermination of Eligibility

TABLE A Value of a Life Estate and Remainder Interest

TABLE B Life Expectancy

AUTHORITY: Implementing Articles III, IV, V and VI and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Arts. III, IV, V and VI and 12-13].

SOURCE: Filed effective December 30, 1977; peremptory amendment at 2 111. Reg. 17, p. 117, effective February 1, 1978; amended at 2 111. Reg. 31, p. 134, effective August 5, 1978; emergency amendment at 2 111. Reg. 37, p. 4, effective August 30, 1978, for a maximum of 150 days; peremptory amendment at 2 111. Reg. 46, p. 44, effective November 1, 1978; peremptory amendment at 2 111. Reg. 46, p. 56, effective November 1, 1978; emergency amendment at 3 111. Reg. 16, p. 41, effective April 9, 1979, for a maximum of 150 days; emergency amendment at 3 111. Reg. 28, p. 182, effective July 1, 1979, for a maximum of

150 days; amended at 3 111. Reg. 33, p. 399, effective August 18, 1979; amended at 3 111. Reg. 33, p. 415, effective August 18, 1979; amended at 3 111. Reg. 38, p. 243, effective September 21, 1979; peremptory amendment at 3 111. Reg. 38, p. 321, effective September 7, 1979; amended at 3 111. Reg. 40, p. 140, effective October 6, 1979; amended at 3 111. Reg. 46, p. 36, effective November 2, 1979; amended at 3 111. Reg. 47, p. 96, effective November 13, 1979; amended at 3 111. Reg. 48, p. 1, effective November 15, 1979; peremptory amendment at 4 111. Reg. 9, p. 259, effective February 22, 1980; amended at 4 111. Reg. 10, p. 258, effective February 25, 1980; amended at 4 111. Reg. 12, p. 551, effective March 10, 1980; amended at 4 111. Reg. 27, p. 387, effective June 24, 1980; emergency amendment at 4 111. Reg. 29, p. 294, effective July 8, 1980, for a maximum of 150 days; amended at 4 111. Reg. 37, p. 797, effective September 2, 1980; amended at 4 111. Reg. 37, p. 800, effective September 2, 1980; amended at 4 111. Reg. 45, p. 134, effective October 27, 1980; amended at 5 111. Reg. 766, effective January 2, 1981; amended at 5 111. Reg. 1134, effective January 26, 1981; peremptory amendment at 5 111. Reg. 5722, effective June 1, 1981; amended at 5 111. Reg. 7071, effective June 23, 1981; amended at 5 111. Reg. 7104, effective June 23, 1981; amended at 5 111. Reg. 8041, effective July 27, 1981; amended at 5 111. Reg. 8052, effective August 1, 1981; peremptory amendment at 5 111. Reg. 10062, effective October 1, 1981; peremptory amendment at 5 111. Reg. 10079, effective October 1, 1981; peremptory amendment at 5 111. Reg. 10095, effective October 1, 1981; peremptory amendment at 5 111. Reg. 10113, effective October 1, 1981; peremptory amendment at 5 111. Reg. 10124, effective October 1, 1981; peremptory amendment at 5 111. Reg. 10131, effective October 1, 1981; amended at 5 111. Reg. 10730, effective October 1, 1981; amended at 5 111. Reg. 10733, effective October 1, 1981; amended at 5 111. Reg. 10760, effective October 1, 1981; amended at 5 111. Reg. 10767, effective October 1, 1981; peremptory amendment at 5 111. Reg. 11647, effective October 16, 1981; peremptory amendment at 6 111. Reg. 611, effective January 1, 1982; amended at 6 111. Reg. 1216, effective January 14, 1982; emergency amendment at 6 111. Reg. 2447, effective March 1, 1982, for a maximum of 150 days; peremptory amendment at 6 111. Reg. 2452, effective February 1, 1982; peremptory amendment at 6 111. Reg. 6475, effective May 18, 1982; peremptory amendment at 6 111. Reg. 6912, effective May 20, 1982; emergency amendment at 6 111. Reg. 7299, effective June 2, 1982, for a maximum of 150 days; amended at 6 111. Reg. 8115, effective July 1, 1982; amended at 6 111. Reg. 8142, effective July 1, 1982; amended at 6 111. Reg. 8159, effective July 1, 1982; amended at 6 111. Reg. 10970, effective August 26, 1982; amended at 6 111. Reg. 11921, effective September 21, 1982; amended at 6 111. Reg. 12293, effective October 1, 1982; amended at 6 111. Reg. 12318, effective October 1, 1982; amended at 6 111. Reg. 13754, effective November 1, 1982; amended at 7 111. Reg. 394, effective January 1, 1983; codified at 7 111. Reg. 6082; amended at 7 111. Reg. 8256, effective July 1, 1983; amended at 7 111. Reg. 8264, effective July 5, 1983; amended (by adding Section being codified with no substantive change) at 7 111. Reg. 14747; amended (by adding Sections being codified with no substantive change) at 7 111. Reg. 16108; amended at 8 111. Reg. 3553, effective April 9, 1984; amended at 8 111. Reg. 6770, effective April 27, 1984; amended at 8 111.



## DEPARTMENT OF PUBLIC AID

## NOTICE OF ADOPTED AMENDMENTS

Reg. 13328, effective July 16, 1984; amended (by adding Sections being codified with no substantive change) at 8 Ill. Reg. 17897; amended at 8 Ill. Reg. 18903, effective September 26, 1984; peremptory amendment at 8 Ill. Reg. 20706, effective October 3, 1984; amended at 8 Ill. Reg. 25053, effective December 19, 1984; emergency amendment at 9 Ill. Reg. 830, effective January 3, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 4515, effective March 25, 1985; amended at 9 Ill. Reg. 5346, effective April 11, 1985; amended at 9 Ill. Reg. 7153, effective May 6, 1985; amended at 9 Ill. Reg. 11346, effective July 8, 1985; amended at 9 Ill. Reg. 12298, effective July 25, 1985; amended at 9 Ill. Reg. 12823, effective August 9, 1985; amended at 9 Ill. Reg. 15903, effective October 4, 1985; amended at 9 Ill. Reg. 16300, effective October 10, 1985; amended at 9 Ill. Reg. 16906, effective October 18, 1985; amended at 10 Ill. Reg. 1192, effective January 10, 1986; amended at 10 Ill. Reg. 3033, effective January 23, 1986; amended at 10 Ill. Reg. 4907, effective March 7, 1986; amended at 10 Ill. Reg. 6956, effective April 16, 1986; amended at 10 Ill. Reg. 10688, effective June 3, 1986; amended at 10 Ill. Reg. 12672, effective July 14, 1986; amended at 10 Ill. Reg. 13649, effective September 19, 1986; amended at 11 Ill. Reg. 3992, effective February 23, 1987; amended at 11 Ill. Reg. 8735, effective April 7, 1987; amended at 11 Ill. Reg. 12458, effective July 10, 1987; emergency amendment at 11 Ill. Reg. 12458, effective July 10, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 14034, effective August 14, 1987; amended at 11 Ill. Reg. 14763, effective August 26, 1987; amended at 11 Ill. Reg. 20142, effective January 1, 1988; amended at 11 Ill. Reg. 20898, effective December 14, 1987; amended at 12 Ill. Reg. 904, effective January 1, 1988; amended at 12 Ill. Reg. 3516, effective January 22, 1988; amended at 12 Ill. Reg. 6234, effective March 22, 1988; amended at 12 Ill. Reg. 8672, effective May 13, 1988; amended at 12 Ill. Reg. 9132, effective May 20, 1988; amended at 12 Ill. Reg. 11483, effective June 30, 1988; emergency amendment at 12 Ill. Reg. 11632, effective July 1, 1988, for a maximum of 150 days; emergency amendment at 12 Ill. Reg. 11839, effective July 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 12833, effective July 22, 1988; emergency amendment at 12 Ill. Reg. 13243, effective July 29, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 17867, effective October 30, 1988; amended at 12 Ill. Reg. 19704, effective November 15, 1988; amended at 12 Ill. Reg. 20188, effective November 23, 1988; amended at 13 Ill. Reg. 116, effective January 1, 1989; amended at 13 Ill. Reg. 2081, effective February 3, 1989; amended at 13 Ill. Reg. 3908, effective March 10, 1989; emergency amendment at 13 Ill. Reg. 11929, effective June 27, 1989, for a maximum of 150 days; emergency expired November 25, 1989; emergency amendment at 13 Ill. Reg. 12137, effective July 1, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 15404, effective October 6, 1989; emergency amendment at 13 Ill. Reg. 16586, effective October 2, 1989, for a maximum of 150 days; emergency expired March 1, 1990; amended at 13 Ill. Reg. 17483, effective October 31, 1989; amended at 13 Ill. Reg. 17838, effective November 8, 1989; amended at 13 Ill. Reg. 18872, effective November 17, 1989; amended at 14 Ill. Reg. 760, effective January 1, 1990; emergency amendment at 14 Ill. Reg. 1494, effective January 2, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 4233, effective March 5, 1990; emergency amendment at 14 Ill. Reg. 5839, effective April 3, 1990, for a

## DEPARTMENT OF PUBLIC AID

## NOTICE OF ADOPTED AMENDMENTS

maximum of 150 days; amended at 14 Ill. Reg. 6372, effective April 16, 1990; amended at 14 Ill. Reg. 7637, effective May 10, 1990; amended at 14 Ill. Reg. 10396, effective June 20, 1990; amended at 14 Ill. Reg. 13277, effective August 6, 1990; amended at 14 Ill. Reg. 14814, effective September 3, 1990; amended at 14 Ill. Reg. 17004, effective September 30, 1990; emergency amendment at 15 Ill. Reg. 348, effective January 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 5302, effective April 1, 1991; amended at 15 Ill. Reg. 10101, effective June 24, 1991; amended at 15 Ill. Reg. 11973, effective August 12, 1991; amended at 15 Ill. Reg. 12747, effective August 16, 1991; amended at 15 Ill. Reg. 14105, effective September 11, 1991; amended at 15 Ill. Reg. 14240, effective September 23, 1991; amended at 16 Ill. Reg. 139, effective December 24, 1991; amended at 16 Ill. Reg. 1862, effective January 20, 1992; amended at 16 Ill. Reg. 10034, effective June 15, 1992; amended at 16 Ill. Reg. 11582, effective July 15, 1992; amended at 16 Ill. Reg. 17290, effective November 3, 1992; amended at 17 Ill. Reg. 1102, effective January 15, 1993; amended at 17 Ill. Reg. 6827, effective April 21, 1993; amended at 17 Ill. Reg. 10402, effective June 28, 1993; amended at 18 Ill. Reg. 7051, effective January 21, 1994; amended at 18 Ill. Reg. 5934, effective April 1, 1994; amended at 18 Ill. Reg. 8718, effective June 1, 1994; amended at 18 Ill. Reg. 11231, effective July 1, 1994; amended at 19 Ill. Reg. 2305, effective February 27, 1995; emergency amendment at 19 Ill. Reg. 9280, effective July 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 11931, effective August 11, 1995; amended at 19 Ill. Reg. 15079, effective October 17, 1995; amended at 20 Ill. Reg. 5068, effective March 20, 1996; amended at 20 Ill. Reg. 15993, effective December 9, 1996; emergency amendment at 21 Ill. Reg. 692, effective January 1, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 7423, effective May 31, 1997; amended at 21 Ill. Reg. 7748, effective June 9, 1997; amended at 21 Ill. Reg. 11555, effective August 1, 1997; amended at 21 Ill. Reg. 13638, effective October 1, 1997; emergency amendment at 22 Ill. Reg. 1576, effective January 5, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 7003, effective April 1, 1998; amended at 22 Ill. Reg. 8503, effective May 1, 1998; amended at 22 Ill. Reg. 16291, effective August 28, 1998; emergency amendment at 22 Ill. Reg. 16640, effective September 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 19875, effective October 30, 1998; amended at 23 Ill. Reg. 2381, effective January 22, 1999; amended at 23 Ill. Reg. 11301, effective August 27, 1999.

SUBPART H: MEDICAL ASSISTANCE - NO GRANT

## Section 120.387 Property Transfers Occurring On or After August 11, 1993

- a) The provisions for the transfer of property (for example, assets) listed below only apply to institutionalized persons when the transfer occurs on or after August 11, 1993. An institutionalized person is defined as a resident of a long term care facility, including a resident who was living in the community at the time of the transfer, and to individuals who but for the provision of home and community-based services under Section 4.02 of the Illinois Act on the

## DEPARTMENT OF PUBLIC AID

## NOTICE OF ADOPTED AMENDMENTS

Aging would require the level of care in a long term care facility. An institutionalized person also includes an individual receiving home and community-based services under Section 4.02 of the Illinois Act on Aging who was not receiving these services at the time of the transfer.

- b) The provisions for the transfer of property (for example, assets) listed below apply to the transfer of property by the institutionalized person's spouse in the same manner as if the institutionalized person transferred the property.
- c) Transfers of property disregarded as a result of payments made by a Long Term Care Partnership Insurance Policy (as described in 50 Ill. Adm. Code 2018) are not subject to the provisions of this Section.
- d) A transfer of assets occurs when an institutionalized person or an institutionalized person's spouse buys, sells or gives away real or personal property or changes (for example, change from joint tenancy to tenancy in common) the way property is held. Changing ownership of property to a life estate interest is an asset transfer (the value of the life estate and remainder interest is determined as described in Section 120.380 and 89 Ill. Adm. Code 113.140). For assets held in joint tenancy, tenancy in common or similar arrangement, a transfer occurs when an action by any person reduces or eliminates the person's ownership or control of the asset. A transfer occurs when an action or actions are taken which would cause an asset or assets not to be received (for example, waiving the right to receive an inheritance).
- e) A transfer is allowable if:

- 1) depending on the property transferred, the transfer occurred more than either 60 or 36 months before the date of application, or more than either 60 or 36 months before entry into a long term care facility or more than either 60 or 36 months before receipt of services provided by the Illinois Department on Aging under the In-Home Care Program (as described in Section 140.643);

- A) the 60 month period applies to payments from a revocable trust that are not treated as income (as described in Section 120.347) and to portions of an irrevocable trust from which no payments could be made (as described in Section 120.347);

- B) the 36 month period applies to payments from an irrevocable trust that are not treated as income (as described in Section 120.347) and to any other property transfers not identified in this subsection;

- 2) a fair market value was received. Fair market value is the price that an article or piece of property might be expected to bring if offered for sale in a fair market. Fair market value is determined by statements obtained from institutions, community members, etc. (for example, bankers, jewelers, reputable realtors, etc.) recognized as having knowledge of property values;

- 3) homestead property was transferred to:

## DEPARTMENT OF PUBLIC AID

## NOTICE OF ADOPTED AMENDMENTS

- A) a spouse;
- B) the person's child who is under age 21;
- C) the person's child who is blind (as described in Section 120.313) or disabled (as described in Section 120.314);
- D) the person's brother or sister who has an equity interest in the homestead property and who was residing in the home for at least one year immediately prior to the date the person became institutionalized; or
- E) the person's child who provided care for the person and who was residing in the homestead property for two years immediately prior to the date the person became institutionalized;
- 4) the transfer by the institutionalized person was to the community spouse or to another person for the sole benefit of the community spouse and the amount transferred does not exceed the Community Spouse Asset Allowance (as described in Section 120.379);
- 5) the transfer from the community spouse was to another person for the sole benefit of the community spouse;
- 6) the transfer was to the person's child or to a trust established solely for the benefit of the person's child who is blind (as described in Section 120.313) or disabled (as described in Section 120.314) or to another person for the sole benefit of the person's child;
- 7) the transfer was to a trust established solely for the benefit of a person under age 65 who is disabled (as described in Section 120.314);
- 8) the person intended to transfer the assets for fair market value;
- 9) it is determined that denial of assistance would create an undue hardship. Examples of undue hardship include, but are not limited to, situations in which:
  - A) the individual is mentally unable to explain how the assets were transferred;
  - B) the denial of assistance would force the resident to move from the long term care facility; or
  - C) a facility would be prohibited from joining a spouse in a facility or would prohibit the individual from entering a facility that is within close proximity to his or her family;
- 10) the transfer was made exclusively for a reason other than to qualify for assistance. A transfer for less than fair market value is presumed to have been made to qualify for assistance unless a satisfactory showing is made to the Department that the client or spouse transferred the asset exclusively for a reason other than to qualify for assistance;
- 11) the transfer by the client was to the community spouse and was the result of a court order;
- 12) the assets transferred for less than fair market value have been returned to the person; or

## DEPARTMENT OF PUBLIC AID

## NOTICE OF ADOPTED AMENDMENTS

- 13) the transfer was to an annuity, and the expected return on the annuity is commensurate with the estimated life expectancy of the person, and the annuity pays benefits in approximately equal periodic payments. In determining the estimated life expectancy of the person, the Department shall use the life expectancy table described in Section 120.7(b).
- f) If a transfer or transfers do not meet the provisions of subsection (e), the client is subject to a period of ineligibility for long term care services and for services provided by the Illinois Department on Aging under the In-Home Care Program (as described in Section 140.643). The penalty period is determined in accordance with subsection (g) of this Section. If otherwise eligible, clients remain entitled to other covered medical services.
- g) A separate penalty period is determined for each month in which a transfer or transfers do not meet the provisions of subsection (e) of this Section. Each penalty period is the number of months equal to the total uncompensated amount of assets transferred during a month divided by the monthly cost of long term care at the private rate.
- h) The penalty period begins with the month of the transfer or transfers unless the transfer or transfers occurred during a previous penalty period. If so, the penalty period begins with the month following the month the previous penalty period ends.
- i) For transfers by the community spouse that result in a penalty period as described in subsection (g) of this Section and the community spouse becomes an institutionalized person and is otherwise eligible for assistance, the Department shall divide any remaining penalty period equally between the spouses.

(Source: Amended at 23 Ill. Reg. **11301**, effective August 7, 1999)

## STATE EMPLOYEES' RETIREMENT SYSTEM OF ILLINOIS

## NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: The Administration and Operation of the State Employees' Retirement System of Illinois
- 2) Code Citation: 80 Ill. Adm. Code 1540
- 3) Section Numbers: Adopted Action:  
1540.80 Amendment  
1540.100 Amendment
- 4) Statutory Authority: 40 ILCS 5/14-135.03
- 5) Effective Date of Amendments: September 01, 1999
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do the amendments contain incorporations by reference? No
- 8) A copy of this adopted amendment is on file in the State Employees' Retirement System of Illinois office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: 05/28/99 - 23 Ill. Reg. 6414
- 10) Has JCRC issued a Statement of Objections to the amendments? No
- 11) Differences between proposal and final version: In 1540.80 (e)(2), "Effective July 1, 1999" has been changed to read "Effective September 1, 1999".
- 12) Have all the changes agreed upon by the agency and JCRC been made as indicated in the agreement letter issued by JCRC? Yes
- 13) Will the amendments replace an emergency rule currently in effect? No
- 14) Are there any amendments pending on the Part? No
- 15) Summary and Purpose of Amendments:

Section 1540.80: Historically, the State Employees' Retirement System of Illinois has used the same gainful employment dollar limitation for its disability benefits as the Social Security Administration uses for its gainful employment limit. Effective July 1, 1999, the Social Security Administration increased its dollar limit to \$700.00. Since it has been nearly 9 years since the Social Security Administration increased its limit, the State Employees' Retirement System of Illinois is adding a Consumer Price Index (CPI) component to adjust the gainful employment level annually.

## STATE EMPLOYEES' RETIREMENT SYSTEM OF ILLINOIS

## NOTICE OF ADOPTED AMENDMENTS

Section 1540.100: The State Employees' Retirement System has been advised that when an individual applies for a passport or arrives in the United States and receives immigration and naturalization papers, he or she must provide a copy of his or her birth certificate before the documents will be issued. Based on this information, we want to change this rule to allow the passport and immigration and naturalization papers to stand alone as documents that we can accept for birth date verification.

16) Information and questions regarding this adopted amendment shall be directed to:

Michael L. Morv, Executive Secretary  
State Employees' Retirement System of Illinois  
P.O. Box 19255  
2101 South Veterans Parkway  
Springfield, Illinois 62794-9255  
217-785-7444

The full text of the adopted amendments begins on the next page:

## STATE EMPLOYEES' RETIREMENT SYSTEM OF ILLINOIS

## NOTICE OF ADOPTED AMENDMENTS

TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES  
SUBTITLE D: RETIREMENT SYSTEMS

## CHAPTER 1: STATE EMPLOYEES' RETIREMENT SYSTEM OF ILLINOIS

## PART 1540

THE ADMINISTRATION AND OPERATION OF THE  
STATE EMPLOYEES' RETIREMENT SYSTEM OF ILLINOIS

Section	
1540.5	Introduction
1540.10	Appointment of Retirement System Coordinator
1540.20	Member's Contribution and Service Credit
1540.30	Determination of Rate of Compensation
1540.40	Prior Service Credit
1540.50	Credit for Service for Which Contributions are Permitted
1540.60	Severance of Employment - A Condition to the Payment of a Refund or Retirement Annuity
1540.70	Death Benefits
1540.80	Disability Claims
1540.90	Benefit Offset
1540.100	Birth Date Verification
1540.110	Marriage Verification
1540.120	Level Income Option
1540.130	Pension Credit for Unused Sick Leave
1540.140	Removal of Children from Care of Surviving Spouse
1540.150	Proof of Dependency
1540.160	Investigations of Benefit Recipients
1540.170	Interest on Member Contributions
1540.180	Date of Application - Retirement Annuity, Occupational and Nonoccupational and Temporary Disability Benefits, and Resignation Refund Payments
1540.190	Lump Sum Salary Payments
1540.200	Removal From the Payroll
1540.210	Latest Date of Membership
1540.220	Period for Payment and Amount of Payment of Contributions
1540.230	Contributions By the State (Repealed)
1540.240	Actuarially Funded Basis (Repealed)
1540.250	Payments to Establish Credit for Service for Which Contributions are Permitted
1540.255	Pick-up Option for Optional Service Contributions
1540.260	Contributions and Service Credit During Nonwork Periods
1540.270	Written Appeals and Hearings
1540.280	Availability for Public Inspection (Recodified)
1540.280	Procedure for Submission, Consideration and Disposition of Petitions Seeking the Promulgation, Amendment or Repeal of these Rules and Regulations (Recodified)
1540.300	Organization of the State Employees' Retirement System (Recodified)
1540.310	Amendments



## STATE EMPLOYEES' RETIREMENT SYSTEM OF ILLINOIS

## NOTICE OF ADOPTED AMENDMENTS

- 1540.320 Optional Forms of Benefits - Basis of Computation  
 1540.330 Board Elections  
 1540.340 Excess Benefit Arrangement  
 TABLE A Optional Forms of Benefits - Basis of Computation

AUTHORITY: Implementing and authorized by Article 14 of the Illinois Pension Code [40 ILCS 5/Art. 14].

SOURCE: Filed December 20, 1977, effective December 31, 1977; filed and effective February 28, 1978; emergency rule at 4 Ill. Reg. 2, page 246, effective January 1, 1980; amended at 4 Ill. Reg. 12, pages 530, 532, 534, effective March 11, 1980; emergency rule at 4 Ill. Reg. 46, page 1300, effective November 1, 1980; amended at 5 Ill. Reg. 3454, effective March 19, 1981; amended at 5 Ill. Reg. 7225, effective July 1, 1981; amended at 5 Ill. Reg. 12846, effective October 30, 1981; amended at 6 Ill. Reg. 2114, effective January 29, 1982; amended at 6 Ill. Reg. 5505, effective April 16, 1982; codified at 6 Ill. Reg. 10935; emergency amendment at 6 Ill. Reg. 11084, effective August 31, 1982; for a maximum of 150 days; amended at 7 Ill. Reg. 677, effective December 30, 1982; amended at 7 Ill. Reg. 8831, effective July 15, 1983; emergency amendment at 8 Ill. Reg. 359, effective January 1, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 4144, effective March 26, 1984; Sections 1540.280, 1540.290 and 1540.300 recodified to 2 Ill. Adm. Code 2375 at 8 Ill. Reg. 15902; amended at 9 Ill. Reg. 12375, effective July 30, 1985; emergency amendment at 9 Ill. Reg. 19752, effective December 5, 1985, for a maximum of 150 days; amended at 10 Ill. Reg. 8889, effective May 14, 1986; amended at 11 Ill. Reg. 11155, effective June 15, 1987; amended at 14 Ill. Reg. 10498, effective June 19, 1990; amended at 15 Ill. Reg. 7379, effective April 26, 1991; amended at 16 Ill. Reg. 14407, effective September 4, 1992; amended at 20 Ill. Reg. 8033, effective June 15, 1996; emergency amendment at 21 Ill. Reg. 476, effective January 1, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 4992, effective April 1, 1997; emergency amendment at 21 Ill. Reg. 13187, effective September 15, 1997, for a maximum of 150 days; amended at 22 Ill. Reg. 967, effective December 22, 1997; amended at 22 Ill. Reg. 15363, effective August 10, 1998; amended at 23 Ill. Reg. 3824, effective March 9, 1999; amended at 23 Ill. Reg. 11313, effective SEP - 1999.

## Section 1540.80 Disability Claims

- a) Nonoccupational Disability and Temporary Disability
  - 1) Any member of the Retirement System claiming benefits for nonoccupational disability or temporary disability shall file at the Springfield Office of the System a written application on forms prescribed by the Board.
  - 2) If a member makes a payment of contributions to the System in order to establish sufficient credit to qualify for a nonoccupational disability benefit, payment of the benefit shall accrue as of the later of the thirty-first day of absence from work (including any periods of such absence for which sick

## STATE EMPLOYEES' RETIREMENT SYSTEM OF ILLINOIS

## NOTICE OF ADOPTED AMENDMENTS

pay was received), the day after the member is last entitled to receive compensation (including any sick pay), or the date of payment to the System. The date of payment of the required contributions shall be determined in accordance with the provisions of Section 1540.220(a) (period for payment).

- 3) If a member makes a payment of contributions to the System in order to establish sufficient credit to qualify for a temporary disability benefit, payment of the benefit shall accrue as of the later of the 31st day after the member is last entitled to receive compensation or the date of payment to the System. The date of payment of the required contributions shall be determined in accordance with the provisions of Section 1540.220(a) - (Period for Payment).
- 4) If a member who is receiving a nonoccupational or temporary disability benefit wishes to make a payment of contributions to extend the period of eligibility for receipt of the benefit, the request to make such payment must be received at the Springfield Office of the System before the period of eligibility terminates and the date of payment of the required contributions shall be determined in accordance with the provisions of Section 1540.220(a) - (Period for Payment).
- b) Occupational Disability  
 Any member of the Retirement System claiming benefits for occupational disability shall file at the Springfield Office of the System a written application on forms prescribed by the Board.
- c) Licensed Physicians
  - 1) Before an occupational, nonoccupational or temporary disability benefit can be approved, one statement must be received from a licensed physician attesting to the disability. An additional statement from a second licensed physician may be required by the disability examiner assigned to the case, depending on the nature of the disabling condition.
  - 2) The term "licensed physician" shall mean any individual who has obtained a license through the Department of Professional Regulation Registration--and--Education as described in Section 11(A)(1) and (2) of the Medical Practice Act of 1987 [225 ILCS 60/21(A)] till--Rev--State--1997--ch--iii--par--4409--(1)(f) and (2)(7). All licensed physicians must submit their registration number on all reports submitted to the Retirement System.
- d) Report of Physicians
  - 1) All physician's reports shall contain, among other things, the date and place of the first examination, the cause and nature of the disability, information regarding surgical work or laboratory tests, the date of last examination, prognosis regarding the member's disability, and an estimate of the probable length of disability.
  - 2) All physician's reports shall be signed by a licensed practicing physician or by medical records personnel of a licensed clinic.



## STATE EMPLOYEES' RETIREMENT SYSTEM OF ILLINOIS

## NOTICE OF ADOPTED AMENDMENTS

## e) Gainful Employment

In the case of occupational, nonoccupational or temporary disability, an individual who is found to be gainfully employed shall have the his benefit terminated as of the date such employment commenced. The term "gainfully employed" shall be construed to mean either of the following:

- 1) Any employment by or for the State of Illinois.
- 2) Effective September 1, 1999, any remuneration that exceeds \$700 in any month. The \$700 monthly gainful employment limit will be adjusted each July 1 thereafter to the nearest whole dollar amount, based on the change in the Consumer Price Index for Urban Consumers for the prior calendar year. Any remuneration--which exceeds \$500.00--in any month.

A) For purpose of this Section, "remuneration" shall be defined to mean:

- i) any compensation for personal services including fees, wages, salary, commissions, and similar items;
- ii) any income derived from the participation in a business activity through the performance of physical and/or mental activities generally performed for the production of income.

B) For purposes of this Section, remuneration shall be computed on a gross rather than net basis (i.e., no deductions of any kind including but not limited to deductions for losses, expenses, taxes or withholding, will be considered in such computation). Remuneration shall also include the fair market value of goods or services received, which if received in money would otherwise constitute remuneration. Remuneration representing gain from the sale, exchange or other disposition of goods or other property shall be equal to the sum of the amount of money and the fair market value of any property received on such sale, exchange, or disposition, less the amount representing the cost to the seller in acquiring the goods or other property which is sold, exchanged, or disposed of. In applying this Section, the System shall consider the date on which the remuneration was earned rather than when it was received. For purposes of this Section, remuneration ~~remuneration~~ may be earned through either self-employment or employment by others.

## f) Investigation of Claims

1) The Board of Trustees of the State Employees' Retirement System (SERS) recognizes its obligation to provide a systematic program for the continued investigation, control and supervision of disability claims.

2) Each disability benefit recipient is required to provide a current medical examination report each 6 months to substantiate continued disability. In order to substantiate the member's

## STATE EMPLOYEES' RETIREMENT SYSTEM OF ILLINOIS

## NOTICE OF ADOPTED AMENDMENTS

continued eligibility for disability benefits, the Disability Claims Examiner may require that the member submit to independent medical examinations and may request additional medical statements; hospital records; activity inspection reports; Department of Employment Security Earning Statements; Social Security benefit payment information; income tax records; or other pertinent information, all as deemed reasonable and necessary by the Examiner. The System will pay for independent medical examinations, hospital records, and activity inspection reports that it requires.

- 3) Failure of a disability benefit recipient to submit to an independent medical examination, to cooperate with an activity inspection, or to provide the information required shall result in suspension of benefit payments.

g) Definition of Phrase "The Duties of the Member's Position"

The phrase, "The duties of the member's position" shall mean the duties of the member's position as of the date the member's name is removed from the payroll without regard to subsequent changes in the duties of the position, availability of the position, or the member's right to return to the position.

(Source: Amended at 23 Ill. Reg. 11318, effective September 1, 1999.)

## Section 1540.100 Birth Date Verification

- a) Any person or persons making application for a retirement annuity, survivors or widows annuity, nonoccupational, occupational or temporary disability benefit, shall submit as proof of birth date, a legal copy of their birth certificate or birth record.
- b) Upon the submission by the member of a declaration from the state where the birth occurred that no birth record exists, the following documents may be submitted for consideration:
  - 1) Military records
  - 2) Marriage record showing date of birth
  - 3) Evidence of Social Security payments that require attainment of specific age
  - 4) Church records of birth or baptism
  - 5) Passport or immigration and naturalization record
  - 5) Two or more documents showing birth dates, such as insurance policies, school records, and medical records;---passport immigration-and-naturalization-record

c) If none of the above documents are available, an affidavit from parents, older brother or sister, or relative having knowledge of the date of birth may be considered.

(Source: Amended at 23 Ill. Reg. 11318, effective September 1, 1999.)

## CAPITAL DEVELOPMENT BOARD

## NOTICE OF EMERGENCY AMENDMENTS

1) Heading of the Part: Standards for Award of Grants: School Construction Program

2) Code Citation: 71 Ill. Adm. Code 40

3) Section Numbers: Emergency Action:  
40.130 Amended

4) Statutory Authority: Implementing the Capital Development Board Act [20 ILCS 3105] and authorized by Section 5-55 of that Act, and the School Construction Law [105 ILCS 230].

5) Effective date of Amendment: August 27, 1999

6) If this emergency amendment is to expire before the end of the 150-day period, please specify the date on which it is to expire: This rule will expire at the end of the 150-day period.

7) Date Filed in Agency's Principal Office: August 27, 1999

8) A copy of the emergency amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Reason for Emergency: To clarify processes of the ongoing, multi-year school construction grant program.

10) A complete description of the Subjects and Issues Involved: The emergency rulemaking identifies what fiscal year grant index is used as a multiplier for determining local and State funding shares. It also clarifies how project costs are adjusted when better than expected bid prices are received.

11) Are there any proposed amendments pending on this Part other than those appearing in the same issue of the Register as the emergency rules? No

12) Statement of Statewide Policy Objectives: This emergency amendment does not create or expand a state mandate as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b)].

13) Information and questions regarding these amendments shall be directed to:

Fredrick W. Hahn, Chief Counsel  
Capital Development Board  
3rd Floor, Wm. C. Stratzon Building  
Springfield, IL 62706  
Telephone: 217/782-0700

## CAPITAL DEVELOPMENT BOARD

## NOTICE OF EMERGENCY AMENDMENTS

The full text of the Emergency Amendments begins on the next page:

## CAPITAL DEVELOPMENT BOARD

## NOTICE OF EMERGENCY AMENDMENTS

**TITLE 71: PUBLIC BUILDINGS, FACILITIES AND REAL PROPERTY**  
**CHAPTER 1: CAPITAL DEVELOPMENT BOARD**  
**SUBCHAPTER a: RULES**

## PART 40

**STANDARDS FOR AWARD OF GRANTS:**  
**SCHOOL CONSTRUCTION**  
**PROGRAM**

- Section  
 40.100 Definitions  
 40.110 General  
 40.120 Planning Assistance Grants (Repealed)  
 40.130 Construction Grants  
 40.140 Debt Service Grants (Repealed)

**AUTHORITY:** Implementing the Capital Development Board Act [20 ILCS 3105] and authorized by Section 5-35 of that Act and the School Construction Law [105 ILCS 230].

**SOURCE:** Adopted at 2 Ill. Reg. 30, p. 140, effective July 27, 1978; amended at 4 Ill. Reg. 9, p. 233, effective February 14, 1980; amended at 5 Ill. Reg. 1890, effective February 17, 1981; amended and codified at 8 Ill. Reg. 4, 20342, effective October 1, 1984; amended at 9 Ill. Reg. 17345, effective October 29, 1985; amended at 13 Ill. Reg. 6973, effective April 21, 1989; amended at 20 Ill. Reg. 15244, effective November 15, 1996; emergency amendment at 22 Ill. Reg. 2597, effective January 13, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 9518, effective May 21, 1998; emergency amendment at 23 Ill. Reg. 6521, effective May 12, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 10788, effective August 20, 1999; emergency amendment at 23 Ill. Reg. 11.320, effective August 27, 1999, for a maximum of 150 days.

**Section 40.130 Construction Grants****EMERGENCY**

Prior to the award of a construction grant, school districts shall meet the following requirements:

- a) Program Statements
  - 1) Program Statements must be submitted to the Board as part of the school district's Application for Construction Grant Entitlement for proposed facilities and sites requiring SCP funding. Program Statements must conform to the SCP Educational Facilities Program Statement Guidelines as developed by the Board and which will address, but not be limited to, the following:
    - 1) Project Description and Rationale
    - 2) Occupant Capacity
    - 3) Site Analysis

## CAPITAL DEVELOPMENT BOARD

## NOTICE OF EMERGENCY AMENDMENTS

- 4) Project Design
- 5) Funding Sources and Cost Estimates
- 6) Time Schedule of Major Events

## b) Prohibited Uses

Program statements shall not include any on-going operational costs or any construction projects for which the General Assembly and the Governor have approved specifically designated funds.

## c) Standards for School Site Selection and Approval

- 1) The local school board shall select the sites for all new projects subject to the determination of the Board that the proposed site meets all minimum engineering and construction standards or requirements.

## 2) Suitability for Development and Construction

- A) The site must be free of physical structures, topographical features or subsurface physical conditions that would preclude necessary construction, present insurmountable obstacles to safety or normal utilization, shorten building life, cause excessive delays in project completion, or cause costs to exceed the funds available. "Necessary construction" shall include but not necessarily be limited to: buildings, utility lines, storm water disposal arrangements and paving. The local district shall provide a report, acceptable to the Board, on soil conditions based on the removal of soil for testing. The cost to the local school district of the soil test and report of that test shall be considered as a credit to the local share of the recognized project cost if the site is approved and a grant award is made.

- B) The site must not be subject to existing or foreseeable, harmful or disruptive environmental hazards and nuisances. Such hazards and nuisances may include, but are not necessarily limited to: excessive dust, smoke, noise, odors, air pollutants, soil pollutants, floods, ground water discharges, vibrations, explosions, and electrical discharges. Site acquisition shall be subject to the Farmland Preservation Act [505 ILCS 75], Interagency Wetland Policy Act of 1989 [20 ILCS 830], Illinois State Agency Historic Resources Preservation Act [20 ILCS 3410], Archaeological and Paleontological Resources Protection Act [20 ILCS 3435] and the Illinois Endangered Species Protection Act [520 ILCS 10], as may be applicable.

## 3) Availability of Site

- A) The local district shall have a period of 150 days from the time of grant award to acquire title to the site, or rights of use and exclusion sufficient to carry out the purposes and programs of the school. Such time period may be extended for 60 days by the Executive Director. Any further extension must be approved by the Board. Extensions will be

## CAPITAL DEVELOPMENT BOARD

## CAPITAL DEVELOPMENT BOARD

## NOTICE OF EMERGENCY AMENDMENTS

## NOTICE OF EMERGENCY AMENDMENTS

- granted in those cases in which there is a reasonable expectation that the district will be able to acquire the site within the period of the extension and the delay has been occasioned by a condition beyond the control of the district, such as a delay in acquiring a title commitment.
- B) A grant will not be awarded until the Board has had a reasonable opportunity to enter upon the site, inspect it in detail, and conduct whatever site tests are deemed necessary to establish the suitability of the site for school purposes.
- C) The Board will not approve a site unless its development and use for the proposed school is in compliance with applicable laws, or unless action has been taken to bring variation of same into compliance.
- D) When street vacations, utility relocations, or such action will be required prior to start of construction, the local district must present documentation that such actions will be approved by the responsible local governmental units before the Board will approve the site.
- 4) Site Size and Configuration
- A) The proposed site must contain usable space sufficient in size and of regular configuration so as to accommodate the school's on-site program as well as to accommodate ancillary functions that are better served on-site than off-site, such as parking, bus loading and unloading, casual student assembly and play, and pedestrian movement between different points on the site.
- B) The school's on-site program shall be defined to include the school's instructional program and any other activities and events the applicant school district plans to conduct on the site. The applicant may tailor its on-site program to fit the site proposed. Determination of the adequacy of the site's space in terms of the number of students shall be based on the design capacity of the school building.
- C) Space for Buildings
- In addition to those portions of the site required for other purposes, there must be a portion or portions of the site that are of such size, shape and physical quality that they are sufficient to accommodate the buildings that would be required by the maximum design enrollment of the school. This "building reserve" must be at least sufficient in ground area to provide for gross floor space, as set forth in the section on space standards for new construction, subsection (c)(4)(D) of this Section. For facilities with more than one floor the "building reserve" must be at least sufficient in ground area to provide for one-half the floor space.
- D) Non-Building Space

- i) At a minimum, the site must provide amounts of space (in addition to that reserved for buildings to meet "Special Requirements" as defined in subsection (c)(4)(E) of this Section of a shape, character and location that the site can readily be improved to provide areas suitable for physical education and recreation, any planned accommodation of vehicles, and the accommodation of outdoor access, circulation and evacuation in accordance with CDB's List of Eligible Capital Infrastructure Program Expenditures for Construction of New School Facilities (see subsection (c)(7)), "List of Eligible Expenditures".
- ii) For additions to existing schools, the addition should not be planned on existing open space and/or playground area of existing schools, unless it can be demonstrated that the construction of the addition will not reduce the amount of space necessary to fulfill the program and provide adequate recreational spaces.
- E) Special Requirements
- Irrespective of required minimums, the site must be of sufficient size to provide for the following needs as indicated:
- i) Space for Outdoor On-Site Program
- There must be a portion or portions of the site, in addition to those reserved for other purposes, that are of such size, shape and physical character that they can be readily improved to accommodate the safe conduct of the outdoor portions of the on-site school program. The site must permit the safe conduct of a physical education program that meets district standards, taking into account the varying physical capacities of students, types and amounts of activities in the physical education program, and the daily and yearly time schedule of the school.
- ii) Accommodation of Vehicles
- There must be portions of the site, in addition to those necessary for other purposes, that are of such size, shape, physical quality and location that they can provide spaces for vehicles as indicated below without contravening local zoning ordinances: safe loading and unloading areas for school buses, where areas are necessary to the safety of students from street traffic; secure and convenient parking spaces for staff, visitors, and students in conformance with district policies; and safe accommodation of delivery and service vehicles involved in serving the school.
- iii) Access, Circulation, Evacuation Assembly

## CAPITAL DEVELOPMENT BOARD

## NOTICE OF EMERGENCY AMENDMENTS

There must be portions of the site of such size, shape, physical quality and location that they can be improved to provide: unobstructed exterior avenues of escape from the exits of all proposed buildings and the areas adjacent to buildings in the event that evacuation is necessary; safe and convenient circulation by students between and among the building(s) and outdoor activity areas of the site; safe accommodation for the unsupervised outdoor assembly of students and their pastimes before school, after school, at lunch breaks and at recesses; safe accommodation of the outdoor assemblies of students and spectators occasioned by school-sponsored spectator events to be held on the site.

## F) Variance of Site Size and Configuration

The Board will approve a proposed site which does not meet the minimum requirements of this subsection (c)(4) when all the following criteria have been met:

- i) The local school board petitions the State Board of Education and the Board for a variance from the minimum requirements of this subsection (c)(4) stating with specificity the reasons for such variance.
- ii) The State Board of Education certifies to the Board that the variance complies with all requirements of the School Code and rules of the State Board of Education (23 Ill. Adm. Code 151).

## 5) Utilities and Services

A) Water Supply  
Water must be available at the site in sufficient volume and delivery rates and of appropriate quality to serve the firefighting needs of the proposed school as well as to accommodate other forms of water consumption.

## B) Sanitary Sewage Disposal

The location or character of the site must not prevent the disposal of sanitary sewage from the school.

## C) Storm Water Disposal

The location or character of the site must not prevent the disposal of storm water from the school.

## D) Electric, Power, Telephone, Gas

The site must present no obstacles to the provision of electric power, telephone services, and whatever gas service the school may require at the point in the construction process when utility hook-ups are made.

## E) Solid Waste Management Systems

Solid waste management services must be available to the site.

## 6) Architect-Engineer Selection

The selection of an architect-engineer shall be in accordance

## CAPITAL DEVELOPMENT BOARD

## NOTICE OF EMERGENCY AMENDMENTS

with the Local Government Professional Services Selection Act (50 ILCS 310).

## 7) List of Eligible Expenditures:

- A) CDB will participate in the funding of academic facilities for all programs approved by the State Board of Education.
- B) CDB's participation in the funding of administrative facilities is limited to that space required for the administration of the educational and support program of the school. CDB will not participate in funding administrative facilities intended for district administration.
- C) CDB will not fund facilities intended for commercial use by profit making organizations. This is not meant to exclude facilities to be operated by non-profit organizations such as student groups, PTAs, etc.
- D) Although CDB encourages development of facilities intended for joint use by school and community, CDB's participation in the funding of facilities intended for joint use by school and community is limited to those items required to meet the needs of the school's educational and support programs.
- E) CDB will not participate in funding facilities designed exclusively for interscholastic activities. For example, although CDB will fund locker facilities in sufficient numbers to provide for the physical education program needs of a school's own students, CDB will not fund separate locker facilities for the exclusive use of visiting school teams.
- F) Off-site improvements are defined as any improvements outside of the property line. Off-site improvements are not recognized as eligible project costs except under exceptional circumstances and only in those cases where the off-site improvements are necessary to the functional operation of a school facility. The following specific policies apply to off-site improvements:
  - i) Off-site improvements that exceed the requirements needed for the project are ineligible project costs. For example, if a larger water main is desired by the locality than is needed for the school project itself, CDB will not participate in any cost attributable to the increased size of the main.
  - ii) The district must provide certification that local and/or federal funding sources are not available to the district or any other public body for off-site improvements before CDB will consider participation in their funding.
  - iii) CDB's participation in funding off-site improvements is only permitted if the off-site property or interest is in the property, such as an easement or leasehold, is



## CAPITAL DEVELOPMENT BOARD

## NOTICE OF EMERGENCY AMENDMENTS

owned by a public body.

- iv) Prior to grant award, as part of the pre-grant analysis, CDB will perform a cost-benefit analysis regarding the implications of off-site improvements for alternative sites. In evaluating need for off-site improvements, CDB will consider trade-offs among factors such as cost of off-site improvements, cost of site, and desirability of site location. For example, site acquisition cost plus major off-site improvements cost may still be less for one site than for another site requiring only minor off-site improvements. In such special cases, a site requiring major off-site improvements could be preferred. However, the specific policies in subsections (c)(7)(F)(i), (ii) and (iii) still apply.

- G) On-site improvements may be defined as any improvements outside the building's 5-foot line but inside the property line of the site. CDB's participation in funding on-site improvements is limited to those minimum requirements that are necessary to making the site functionally operational.

- H) CDB will evaluate space types of a sophisticated nature that support specialized activities in an elementary, middle/junior high school or high school. CDB will identify facilities of this type. Justification must be based on programmatic need. Such justification, to obtain the support of CDB, must have the support and concurrence of the State Board of Education.

- I) CDB will participate in the funding of vocational/technical facilities for all programs approved by the State Board of Education.

## 8) State and Local Financial Participation in School Construction Projects

### A) Determination of Recognized Project Cost

- i) Recognized project cost shall be based upon calculations in accordance with the List of Eligible Expenditures (see subsection (c)(7)) and shall include unit cost (\$/sq.ft.) as follows: buildings constructed to the five foot line, design and construction contingencies, building fixed equipment; plus additional associated costs as deemed appropriate by the Board in consultation with local school districts as follows: site improvements including related A/E fees and reimbursements, land acquisition and associated legal fees for the project site acquired, movable equipment, and utility service lines, both on-site and off-site, and special foundation construction and related A/E fees deemed necessary as a result of unusual sub-surface soil

## CAPITAL DEVELOPMENT BOARD

## NOTICE OF EMERGENCY AMENDMENTS

conditions.

- ii) The recognized project costs initially calculated by CDB will establish the maximum acceptable cost of the eligible expenditures. If the bid price received by the district from the various contractors for the eligible expenditures is less than the bid estimate included in this initial calculation, then the recognized project cost will be reduced by the amount of the difference to equal the bid price.

- iii) The Board shall establish and include in the List of Eligible Expenditures (see subsection (c)(7)) unit cost limitations for elementary, secondary, and vocational school construction based upon periodic review and revision of maximum cost per gross square foot allowances.

## B) Project Standards for New Construction and Additions

### i) General

CDB shall establish detailed project standards including space and capacity standards in the List of Eligible Expenditures (see subsection (c)(7)). New schools with adequate space for all necessary instructional and ancillary activities require more space per students than additions to existing schools. Different space standards are required to accommodate different grade levels, i.e., Pre-K-6, 7-9, and 9-12. Economies of scale in terms of space per student can be anticipated for larger schools.

### ii)

Square Footage  
The following maximum standards are established for the determination of the State share of the recognized project cost in connection with a construction grant:

### Square Foot Per Student

#### ELEMENTARY (Pre-K-6)

Gross square feet  
per student 100  
per additional student beyond 240 82

#### MIDDLE/JUNIOR HIGH SCHOOL (7-9)

Gross square feet  
per student 120  
per additional student beyond 400 100

#### HIGH SCHOOL (9-12)

CAPITAL DEVELOPMENT BOARD  
NOTICE OF EMERGENCY AMENDMENTS

- to be used shall be the district's best three months' average daily attendance. Districts that applied for entitlements in fiscal year 1998 and received entitlements in fiscal year 1999 shall have their fiscal year 1998 grant index used as the multiplier. Local districts must have access to the local share of the recognized project cost within 90 days after the grant award by the Board. Such period may be extended by the Executive Director for a maximum period of 30 days if the district demonstrates that appropriate steps have been taken to obtain the district's share of the recognized project cost and that an additional 30 days is necessary to complete the process. Local school districts are urged to begin referendum proceedings upon grant entitlement by the State Board of Education.
- G) The local share of the recognized project cost may be placed in a local trust account pursuant to 71 Ill. Adm. Code 30.
- H) School districts may add to a project cost beyond the recognized project cost with local funds. Funds for such project supplements may be deposited in local trust accounts.
- I) All enrichment project costs that are not included in the recognized project cost and designated as ineligible expenditures by the Capital Development Board will be paid by the local district.

(Source: Amended by emergency rulemaking at 23 Ill. Reg. effective August 27, 1999, for a maximum of 150 days)

11320

CAPITAL DEVELOPMENT BOARD  
NOTICE OF EMERGENCY AMENDMENTS

- Gross square feet per student 140  
per additional student beyond 600 110
- C) Remodeling or Rehabilitation  
The recognized project cost for remodeling/rehabilitation projects must be developed on an individual basis with space per student not to exceed standards set for construction as set forth in subsection (c)(7)(B), and unit costs not to exceed standards for new construction as established from time to time by the Board.
- D) Premises for Space Standards  
i) All necessary types of space shall be included for freestanding schools.  
ii) An average space-per-student can be derived from space type need by level: elementary, middle/junior high and high school.  
iii) Space needs for additions to existing schools may be less than needs for freestanding schools.  
iv) A building efficiency (net assignable space to total space) of 65% is the acceptable minimum.  
v) Unit costs (\$/sq.ft.) used for determining the recognized project cost, including A/E design fees, building construction to the five feet line, fixed equipment, associated legal fees and a contingency shall be no greater than those unit costs established from time to time by the Board. Said unit costs are determined as needed and are established by the Board and included in the list of eligible expenditures (see subsection (c)(7)). In establishing unit costs the Board members shall be guided by current costs within the construction industry and the goal of receiving fair value for public funds expended.
- E) Limits on SCP Participation and Site Cost  
Districts will not receive Board assistance or credit for acreages beyond the following maximums:  
Elementary (Pre-K-6) - 5 acres plus 1 acre per 100 students,  
Middle/Junior High (7-9) - 15 acres plus 1 acre per 100 students, and  
High School (9-12) - 20 acres plus 1 acre per 100 students.
- F) The State and local share of the recognized project cost shall be computed by multiplying the recognized project cost by the Grant Index as defined by the School Construction Law and determined by the State Board of Education. For each grant issued after September 1, 1999, the equalized assessed valuation and average daily attendance used in calculating a district's grant index shall be taken from the district's general State aid claim filed in the fiscal year in which the grant entitlement is made. The average daily attendance

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF EMERGENCY AMENDMENTS

1) Heading of the Part: The Travel Regulation Council

2) Code Citation: 80 Ill. Adm. Code 3000

3) Section Number:      Emergency Action:  
3000.400                      Amend

4) Statutory Authority: Implementing and authorized by Section 12-1, 12-2 and 12-3 of the State Finance Act [30 ILCS 105/12-1, 12-2 and 12-3]

5) Effective Date of Amendments: August 27, 1999

6) If this emergency rule is to expire before end of the 150-day period, please specify the date on which it is to expire: Not applicable.

7) Date Filed with the Index Department: August 27, 1999

8) A copy of the emergency amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Reason for Emergency: The emergency amendment is submitted to revise Section 3000.400(b) to reflect the most recently published federal government lodging rate in Cook County. The new federal government rate increased from \$104.00 to \$109.00, effective July 19, 1999. In order to insure adequate room availability in Cook County, it is the intent of the Travel Regulation Council to maintain the federal government rate. Since the federal change was effective on July 19, 1999, it is necessary to file this emergency amendment to allow State employees to begin utilizing the new rate as soon as possible.

10) A Complete Description of the Subjects and Issues Involved: This amendment incorporates a reference to the *Federal Register* publication which summarizes federal lodging rates.

11) Are there any proposed amendments to this Part pending? Yes

Section Numbers	Proposed Action	Illinois Register Citation
3000.300	Amend	23 Ill. Reg. 9592
3000.400	Amend	23 Ill. Reg. 9592

12) Statement of Statewide Policy Objectives: Rulemaking does not affect units of local government.

12) Information and questions regarding this amendment shall be directed to:

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF EMERGENCY AMENDMENTS

Stephen W. Seiple  
720 Stratton Office Building  
Springfield IL 62706  
217/782-9669

The full text of the emergency amendments begins on the next page:

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF EMERGENCY AMENDMENTS

TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES

SUBTITLE I: GENERAL TRAVEL CONTROL

CHAPTER IV: TRAVEL REGULATION COUNCIL

PART 3000

THE TRAVEL REGULATION COUNCIL

SUBPART A: GENERAL

Section  
3000.100 Authority  
3000.110 Philosophy  
3000.120 Policy  
3000.130 Scope and Interpretation  
3000.140 Definitions

SUBPART B: TRAVEL CONTROL SYSTEM

Section  
3000.200 Travel Control System  
3000.210 Designation of Headquarters  
3000.220 Expenses at Headquarters or Residence  
3000.230 Preparation and Submission of Vouchers or Travel Expenses

SUBPART C: TRANSPORTATION

Section  
3000.300 Modes of Transportation  
3000.310 Routing

SUBPART D: LODGING

Section  
3000.400 Lodging Allowances  
3000.410 Least Costly Lodging  
3000.420 Conference Lodging  
3000.430 Employee Owned or Controlled Housing

SUBPART E: PER DIEM-MEALS

Section  
3000.500 Per Diem Allowance  
3000.510 Meal Allowance

SUBPART F: MISCELLANEOUS RULES

Section

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF EMERGENCY AMENDMENTS

TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES

SUBTITLE I: GENERAL TRAVEL CONTROL

CHAPTER IV: TRAVEL REGULATION COUNCIL

PART 3000

SUBPART G: EXCEPTIONS

Section  
3000.700 Exceptions to the Rules  
3000.710 Board-Agency Rules  
3000.720 Non-Required Travel

APPENDIX A Reimbursement Schedule

AUTHORITY: Implementing and authorized by Sections 12, 12-2 and 12-3 of the State Finance Act [30 ILCS 105/12, 12-2 and 12-3].

SOURCE: Emergency rules adopted at 10 Ill. Reg. 12697, effective July 2, 1986, for a maximum of 150 days; adopted at 10 Ill. Reg. 18188, effective January 1, 1987; peremptory amendment at 11 Ill. Reg. 14854, effective August 25, 1987; amended at 12 Ill. Reg. 11626, effective July 1, 1988; amended at 14 Ill. Reg. 10014, effective July 1, 1990; amended at 19 Ill. Reg. 7852, effective July 1, 1995; amended at 20 Ill. Reg. 7372, effective May 13, 1996; amended at 20 Ill. Reg. 9025, effective July 1, 1996; amended at 21 Ill. Reg. 8899, effective July 1, 1997; amended at 22 Ill. Reg. 11713, effective July 1, 1998; emergency amendment at 23 Ill. Reg. 11332, effective AUG 27 1999, for a maximum of 150 days.

SUBPART D: LODGING

Section 3000.400 Lodging Allowances

EMERGENCY

- a) The lodging allowances specified in Appendix A, Reimbursement Schedule are the maximum rates allowed by the Travel Control Boards. The Council shall review the rates annually to determine necessary adjustments. Except as provided in Section 3000.430, only commercial lodging may be reimbursed.
- b) The maximum reimbursement for lodging in Cook County, Illinois shall be in accordance with the rate promulgated pursuant to 5 USC#8-6-701-5709 and 41 CFR 301, Appendix A, 19931997, as revised July 19, 1999#0ec--2---1997, Federal Register, Vol. 64, #13760tt-62-#23t, Government Printing Office). No later amendments or editions shall act to vary this rate.

(Source: Amended by emergency rulemaking at 23 Ill. Reg. 11332, effective August 27, 1999, for a maximum of 150 days)

## STATE BOARD EDUCATION

## STATE BOARD EDUCATION

## NOTICE OF EMERGENCY AMENDMENTS

## NOTICE OF EMERGENCY AMENDMENTS

The full text of the Emergency Amendment begins on the next page:

- 1) Heading of the Part: School Construction Program
- 2) Code Citation: 23 Ill. Adm. Code 151
- 3) Section Number:  
Emergency Action:  
151.60 Amendment
- 4) Statutory Authority: 105 ILCS 230
- 5) Effective Date of Amendment: September 1, 1999
- 6) If this emergency amendment is to expire before the end of the 150-day period, please specify the date on which it is to expire: Not applicable.
- 7) Date Filed in Agency's Principal Office: August 25, 1999
- 8) Reason for Emergency: Distribution of funds that school districts are to receive from the Capital Development Board cannot occur until the issue presented by this rule is resolved. The change needs to be made with immediate effect so that funds can flow and school construction that will benefit Illinois students can take place.
- 9) A Complete Description of the Subjects and Issues Involved: Planning for the construction expenditures inherent in this program requires an ability to predict what index will be used. However, school districts' grant indexes may change from year to year, and a grant entitlement may be issued in an earlier year than the eventual grant to which it refers. Districts have found themselves at a significant disadvantage when the later grant index has been lower than it was in the year when they received their entitlements, because they have then been faced with the need to make up more of the expenditures from their own funding sources. The change in Section 151.60 will provide a firm basis for districts' budgeting and allow them to take advantage of higher grant indexes if theirs decrease while they are awaiting the issuance of grants.
- 10) Are there any proposed amendments to this Part pending? No
- 11) Statement of Statewide Policy Objectives: This rule will not create or enlarge a State mandate.
- 12) Information and questions regarding this amendment shall be directed to:  
  
Nona Myers, Division Administrator  
School Construction Services  
Illinois State Board of Education  
100 North First Street  
Springfield, Illinois 62777  
(217) 785-8779



STATE BOARD EDUCATION  
NOTICE OF EMERGENCY AMENDMENTS

the district's best three months average daily attendance.  
(Source: Amended by emergency rulemaking at 23 Ill. Reg. 11336, effective September 1, 1999, for a maximum of 150 days)

TITLE 23: EDUCATION AND CULTURAL RESOURCES  
SUBTITLE A: EDUCATION  
CHAPTER I: STATE BOARD OF EDUCATION  
SUBCHAPTER C: FINANCE

PART 151  
SCHOOL CONSTRUCTION PROGRAM

Section	Purpose	Grant
151.10	Eligible Applicants	
151.20	Application for School Construction Project Grant Entitlement	
151.30	Application for School Construction Project	Grant
151.35	Entitlement - Districts With A Population Exceeding 500,000	
151.40	Award of Construction Project Grant Entitlement	
151.50	Priority Ranking of Construction Grant Entitlements	
151.55	Needed Capacity for Unit Districts	
151.60	Grant Index	
EMERGENCY		
151.70	Debt Service Grants	

AUTHORITY: Implementing the School Construction Law [105 ILCS 230] and authorized by Section 5-55 of that Law.

SOURCE: Emergency rules adopted at 22 Ill. Reg. 2616, effective January 16, 1998, for a maximum of 150 days; emergency rules modified in response to JCAR objection at 22 Ill. Reg. 4500; emergency expired June 15, 1998; emergency rules adopted at 22 Ill. Reg. 6238, effective March 24, 1998, for a maximum of 150 days; emergency rules modified in response to JCAR objection at 22 Ill. Reg. 7703; adopted at 22 Ill. Reg. 12538, effective July 6, 1998; emergency amendment at 23 Ill. Reg. 11336, effective September 1, 1999, for a maximum of 150 days.

Section 151.60 Grant Index

EMERGENCY

- The amount of a school construction project grant or debt service grant shall be determined by using the district's grant index and the formulas given in Sections 5-5, 5-35(a), and 5-45 of the School Construction Law.
- Separate grant indexes shall be calculated for elementary districts, high school districts, and unit districts.
- For each grant issued after September 1, 1999, the equalized assessed valuation and average daily attendance used in calculating a district's grant index shall be taken from the district's general state aid claim filed in the fiscal year in which the grant entitlement is made. The average daily attendance to be used shall be

## CARNIVAL-AMUSEMENT SAFETY BOARD

## NOTICE OF PUBLIC HEARING ON PROPOSED AMENDMENTS

1) Heading of the Part: Carnival and Amusement Rides Safety Act

2) Code Citation: 56 Ill. Adm. Code 6000

3) Register Citation to Notice of Proposed Rules: 23 Ill. Reg. 10898,  
September 10, 1999.

4) Date, Time and Location of Public Hearing:

October 5, 1999  
Tuesday, 1:00 P.M.  
Illinois Department of Labor  
#1 W. Old State Capitol Plaza, Room 300  
Springfield, Illinois 62701

5) Other Pertinent Information: Oral testimony will be limited to 10 minutes per person. Written comments may also be submitted at the Public Hearing or will be accepted until October 15, 1999.

Please submit all comments to:

Carl Kimble, Chief Inspector  
Carnival & Amusement Ride Division  
Illinois Department of Labor  
#1 W. Old State Capitol Plaza, Room 300  
Springfield, Illinois 62701  
217-782-9347

## SECRETARY OF STATE

## NOTICE OF CORRECTIONS TO NOTICE ONLY

1) Heading of the Part: Issuance of Licenses

2) Code Citation: 92 Ill. Adm. Code 1030

3) The Notice of Proposed Amendments being corrected appeared at 23 Ill. Reg. 8962, dated August 13, 1999.

4) The information being corrected is as follows:

"12) Initial Regulatory Flexibility Analysis: After careful consideration, the Secretary of State feels this proposed rulemaking may have an affect on other types of small businesses and the proposed amendments will be submitted to the Small Business Office of the Department of Commerce and Community Affairs."

## ILLINOIS LIQUOR CONTROL COMMISSION

## NOTICE OF RECODIFICATION

- 1) Heading of the Part: Beverage Alcohol Sellers and Servers Education and Training (BASSET) Programs
- 2) Code Citation: 77 Ill. Adm. Code 3500
- 3) Date of Index Department Review: August 30, 1999
- 4) Headings and Section Numbers of the Part Being Recodified:

Section numbers	Headings
2057.101	Programs Subject to Licensure
2057.105	Purpose of BASSET
2057.110	License Applications
2057.115	Renewal Applications
2057.120	License Fees
2057.125	Period of Licensure
2057.130	Acceptance for Processing
2057.135	Non-Transferability of License
2057.140	Change in BASSET Program Director or Services
2057.145	Exceptions for BASSET Programs
2057.150	Compliance With Local Government Ordinances
2057.155	BASSET Curriculum Requirements
2057.160	BASSET Programmatic Requirements
2057.165	BASSET Program Fee
2057.170	Sanctions

- 5) Headings and Section Numbers of the Part as Recodified:

Section numbers	Headings
3500.101	Programs Subject to Licensure
3500.105	Purpose of BASSET
3500.110	License Applications
3500.115	Renewal Applications
3500.120	License Fees
3500.125	Period of Licensure
3500.130	Acceptance for Processing
3500.135	Non-Transferability of License
3500.140	Change in BASSET Program Director or Services
3500.145	Exceptions for BASSET Programs
3500.150	Compliance With Local Government Ordinances
3500.155	BASSET Curriculum Requirements
3500.160	BASSET Programmatic Requirements
3500.165	BASSET Program Fee
3500.170	Sanctions

## ILLINOIS LIQUOR CONTROL COMMISSION

## NOTICE OF RECODIFICATION

- 6) Conversion Table of Present and Recodified Parts:

Present Part (Section Numbers)	Recodified Part (Section Numbers)
2057.101	3500.101
2057.105	3500.105
2057.110	3500.110
2057.115	3500.115
2057.120	3500.120
2057.125	3500.125
2057.130	3500.130
2057.135	3500.135
2057.140	3500.140
2057.145	3500.145
2057.150	3500.150
2057.155	3500.155
2057.160	3500.160
2057.165	3500.165
2057.170	3500.170

## JOINT COMMITTEE ON ADMINISTRATIVE RULES

JAMES R. THOMPSON CENTER  
ROOM 16-503  
CHICAGO, ILLINOIS  
10:30 A.M.  
SEPTEMBER 14, 1999

**NOTICES:** Due to Register submittal deadlines, the Agenda below may be incomplete. Other items not contained in this published Agenda are likely to be considered by the Committee at the meeting.

*It is the policy of the Committee to allow only representatives of State agencies to testify orally on any rule under consideration at Committee hearings. If members of the public wish to express their views with respect to a proposed rule, they should submit written comments to the Office of the Joint Committee on Administrative Rules at the following address:*

*Joint Committee on Administrative Rules  
700 Stratton Office Building  
Springfield, Illinois 62706*

**RULEMAKINGS SCHEDULED FOR JCAR REVIEW**

The following rulemakings are scheduled for review at this meeting. JCAR staff may be proposing action with respect to some of these rulemakings. JCAR members may have questions concerning, and may initiate action with respect to, any item scheduled for JCAR review and any other issues within the Committee's purview.

**PROPOSED RULEMAKINGS.**Central Management Services

1. Pay Plan (80 Ill Adm Code 310)  
-First Notice Published: 23 Ill Reg 5215 - 4/30/99  
-Expiration of Second Notice: 9/18/99
2. Pay Plan (80 Ill Adm Code 310)  
-First Notice Published: 23 Ill Reg 6198 - 5/28/99  
-Expiration of Second Notice: 9/19/99
3. Pay Plan (80 Ill Adm Code 310)  
-First Notice Published: 23 Ill Reg 5973 - 5/21/99  
-Expiration of Second Notice: 9/25/99

Children and Family Services

4. Reports of Child Abuse and Neglect (89 Ill Adm Code 300)  
-First Notice Published: 23 Ill Reg 5378 - 5/7/99  
-Expiration of Second Notice: 9/18/99

## JOINT COMMITTEE ON ADMINISTRATIVE RULES

JAMES R. THOMPSON CENTER  
ROOM 16-503  
CHICAGO, ILLINOIS  
10:30 A.M.  
SEPTEMBER 14, 1999

5. Placement and Visitation Services (89 Ill Adm Code 301)  
-First Notice Published: 23 Ill Reg 4327 - 4/16/99  
-Expiration of Second Notice: 9/18/99
6. Licensing Standards for Secure Child Care Facilities (89 Ill Adm Code 411)  
-First Notice Published: 23 Ill Reg 7621 - 7/9/99  
-Expiration of Second Notice: 10/13/99  
Education Facilities Authority
7. Functions and Planning Program (23 Ill Adm Code 2310)  
-First Notice Published: 23 Ill Reg 5635 - 5/14/99  
-Expiration of Second Notice: 9/19/99  
Higher Education
8. Program Approval (23 Ill Adm Code 1050)  
-First Notice Published: 23 Ill Reg 7190 - 6/25/99  
-Expiration of Second Notice: 9/24/99
9. Housing Development Authority  
Low-Income Housing Tax Credit Allocation (47 Ill Adm Code 350)  
-First Notice Published: 23 Ill Reg 7826 - 7/16/99  
-Expiration of Second Notice: 10/13/99  
Human Services
10. Temporary Assistance for Needy Families (89 Ill Adm Code 112)  
-First Notice Published: 23 Ill Reg 5637 - 5/14/99  
-Expiration of Second Notice: 10/13/99
11. Appeals and Hearings (89 Ill Adm Code 510)  
-First Notice Published: 23 Ill Reg 7356 - 7/2/99  
-Expiration of Second Notice: 10/7/99
12. Assessment for Determining Eligibility and Rehabilitation Needs (89 Ill Adm Code 553)  
-First Notice Published: 23 Ill Reg 6200 - 5/28/99  
-Expiration of Second Notice: 10/2/99 t+1
13. Assessment for Determining Eligibility and Rehabilitation Needs (89 Ill Adm Code 553)  
-First Notice Published: 23 Ill Reg 7389 - 7/2/99  
-Expiration of Second Notice: 10/8/99

## JOINT COMMITTEE ON ADMINISTRATIVE RULES

JAMES R. THOMPSON CENTER  
ROOM 16-503  
CHICAGO, ILLINOIS  
10:30 A.M.  
SEPTEMBER 14, 1999

14. Application (89 Ill Adm Code 557)  
-First Notice Published: 23 Ill Reg 7383 - 7/2/99  
-Expiration of Second Notice: 10/7/99
  15. Customer Financial Participation (89 Ill Adm Code 562)  
-First Notice Published: 23 Ill Reg 7399 - 7/2/99  
-Expiration of Second Notice: 10/7/99
  16. Individualized Written Rehabilitation Program (IWRP) (89 Ill Adm Code 572)  
-First Notice Published: 23 Ill Reg 7406 - 7/2/99  
-Expiration of Second Notice: 10/7/99
  17. Service Planning and Provision (89 Ill Adm Code 684)  
M -First Notice Published: 23 Ill Reg 7413 - 72/99  
-Expiration of Second Notice: 10/7/99
- Labor
18. Health and Safety (56 Ill Adm Code 350)  
-First Notice Published: 23 Ill Reg 7043 - 6/18/99  
-Expiration of Second Notice: 10/8/99
- Natural Resources
19. The Taking of Wild Turkeys-Spring Season (17 Ill Adm Code 710)  
-First Notice Published: 23 Ill Reg 7417 - 7/2/99  
-Expiration of Second Notice: 10/8/99
- Nuclear Safety
20. Safe Operation of Nuclear Facility Boilers and Pressure Vessels (32 Ill Adm Code 505)  
-First Notice Published: 23 Ill Reg 7431 - 7/2/99  
-Expiration of Second Notice: 10/10/99
- Professional Regulation
21. Illinois Physical Therapy Act (68 Ill Adm Code 1340)  
-First Notice Published: 23 Ill Reg 7053 - 6/18/99  
-Expiration of Second Notice: 9/18/99
  22. Podiatric Medical Practice Act of 1987 (68 Ill Adm Code 1360)  
-First Notice Published: 23 Ill Reg 4379 - 4/16/99

## JOINT COMMITTEE ON ADMINISTRATIVE RULES

JAMES R. THOMPSON CENTER  
ROOM 16-503  
CHICAGO, ILLINOIS  
10:30 A.M.  
SEPTEMBER 14, 1999

- Expiration of Second Notice: 9/14/99
- Public Aid
23. Medical Payment (89 Ill Adm Code 140)  
-First Notice Published: 23 Ill Reg 7198 - 6/25/99  
-Expiration of Second Notice: 10/13/99
- Public Health
24. Hospice Programs (77 Ill Adm Code 280)  
-First Notice Published: 23 Ill Reg 6746 - 6/4/99  
-Expiration of Second Notice: 10/3/99
- Revenue
25. Public List of Delinquent Taxpayers (86 Ill Adm Code 710)  
-First Notice Published: 23 Ill Reg 6929 - 6/11/99  
-Expiration of Second Notice: 9/23/99
- Secretary of State
26. Public Library Construction Grants (23 Ill Adm Code 3060)  
-First Notice Published: 23 Ill Reg 7219 - 6/25/99  
-Expiration of Second Notice: 9/24/99
- EMERGENCY AND PEREMPTORY RULEMAKINGS**
- Agriculture
27. Meat and Poultry Inspection Act (8 Ill Adm Code 125) (Peremptory)  
-Notice Published: 23 Ill Reg 10880 - 9/3/99
- Commerce and Community Affairs
28. Economic Development Through a Growing Economy Program (EDGE) (14 Ill Adm Code 527) (Emergency)  
-Notice Published: 23 Ill Reg 10862 - 9/3/99
- Human Services
29. Child Care (89 Ill Adm Code 50) (Emergency)  
-Notice Published: 23 Ill Reg 10875 - 9/3/99



## JOINT COMMITTEE ON ADMINISTRATIVE RULES

JAMES R. THOMPSON CENTER  
ROOM 16-503  
CHICAGO, ILLINOIS  
10:30 A.M.  
SEPTEMBER 14, 1999

30. Determination of Need (DON) and Resulting Service Cost Maximums (SCMs)  
(89 Ill Adm Code 679) (Emergency)  
-Notice Published: 23 Ill Reg 10526 - 8/27/99

31. Temporary Assistance for Needy Families (89 Ill Adm Code 112)  
(Emergency)  
-Notice Published: 23 Ill Reg 10530 - 8/27/99

Revenue

32. Property Tax Code (86 Ill Adm Code 110) (Emergency)  
-Notice Published: 23 Ill Reg 9909 - 8/20/99

33. Cigarette Tax Act (86 Ill Adm Code 440) (Emergency)  
-Notice Published: 23 Ill Reg 9541 - 8/13/99

34. Cigarette Use Tax Act (86 Ill Adm Code 450) (Emergency)  
-Notice Published: 23 Ill Reg 9546 - 8/13/99

Secretary of State

35. Issuance of Licenses (92 Ill Adm Code 1030) (Emergency)  
-Notice Published: 23 Ill Reg 9552 - 8/13/99

EXEMPT RULEMAKINGPollution Control Board

36. Primary Drinking Water Standards (35 Ill Adm Code 611)  
-Proposed Date: 23 Ill Reg 6217 - 5/28/99  
-Adopted Date:

AGENCY RESPONSESHuman Services

37. Related Program Provisions (89 Ill Adm Code 117)

Public Aid

38. Hospital Services (89 Ill Adm Code 148)

JOINT COMMITTEE ON ADMINISTRATIVE RULES  
ILLINOIS GENERAL ASSEMBLY

## SECOND NOTICES RECEIVED

The following second notices were received by the Joint Committee on Administrative Rules during the period of August 24, 1999 through August 30, 1999 and have been scheduled for review by the Committee at its September 14, 1999 meeting in Chicago. Other items not contained in this published list may also be considered. Members of the public wishing to express their views with respect to a rule should submit written comments to the Committee at the following address: Joint Committee on Administrative Rules, 700 Stratton Bldg., Springfield IL 62706.

Second Notice Expires	Agency and Rule	Start Of First Notice	JCAR Meeting
10/7/99	Department of Human Services, Appeals and Hearings (89 Ill Adm Code 510)	7/2/99 23 Ill Reg 7356	9/14/99
10/7/99	Department of Human Services, Application (89 Ill Adm Code 557)	7/2/99 23 Ill Reg 7383	9/14/99
10/7/99	Department of Human Services, Customer Financial Participation (89 Ill Adm Code 562)	7/2/99 23 Ill Reg 7399	9/14/99
10/7/99	Department of Human Services, Individualized Written Rehabilitation Program (IWRP) (89 Ill Adm Code 572)	7/2/99 23 Ill Reg 7406	9/14/99
10/7/99	Department of Human Services, Service Planning and Provision (89 Ill Adm Code 684)	7/2/99 23 Ill Reg 7413	9/14/99
10/8/99	Department of Human Services, Assessment for Determining Eligibility and Rehabilitation Needs (89 Ill Adm Code 553)	7/2/99 23 Ill Reg 7389	9/14/99
10/8/99	Department of Natural Resources, The Taking of Wild Turkeys-Spring Season (17 Ill Adm Code 710)	7/2/99 23 Ill Reg 7417	9/14/99
10/8/99	Department of Labor, Health and Safety (56 Ill Adm Code 350)	6/18/99 23 Ill Reg 7043	9/14/99

JOINT COMMITTEE ON ADMINISTRATIVE RULES  
ILLINOIS GENERAL ASSEMBLY

## SECOND NOTICES RECEIVED

10/10/99	Department of Nuclear Safety, Safe Operation of Nuclear Facility Boilers and Pressure Vessels (32 Ill Adm Code 505)	7/2/99 23 Ill Reg 7431	9/14/99
10/13/99	Department of Human Services, Temporary Assistance for Needy Families (89 Ill Adm Code 112)	5/14/99 23 Ill Reg 5637	9/14/99
10/13/99	Department of Public Aid, Medical Payment (89 Ill Adm Code 140)	6/25/99 23 Ill Reg 7196	9/14/99
10/13/99	Illinois Housing Development Authority, Low-Income Housing Tax Credit Allocation (47 Ill Adm Code 350)	7/16/99 23 Ill Reg 7826	9/14/99
8/13/99	Department of Children and Family Services, Licensing Standards for Secure Child Care Facilities (89 Ill Adm Code 411)	7/9/99 23 Ill Reg 7621	9/14/99

## PROCLAMATIONS

## 99-342

## PURPLE HEART MONTH/PURPLE HEART DAY

WHEREAS, on August 7, 1782, during the Revolutionary War, General George Washington awarded the first purple heart-shaped Badge of Military Merit to enlisted men for bravery, fidelity and good conduct; and

WHEREAS, in 1932, General Douglas MacArthur revived the merit badge by establishing the Purple Heart Medal, which is now the oldest military award in the world to honor men and women who have been wounded in the line of duty; and

WHEREAS, the Military Order of the Purple Heart, U.S.A. was established and chartered by Congress in August 1958 to provide assistance to veterans in need and to promote patriotism for all Americans; and

WHEREAS, there are more than 15,000 living native Illinois sons and daughters who have shed their blood on foreign lands in defense of freedom;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim August 1999 as PURPLE HEART MONTH and August 7, 1999, as PURPLE HEART DAY in Illinois to honor the Department of Illinois, Military Order of the Purple Heart for their generous contributions to our veterans who sacrificed so much to secure the liberties we all enjoy today.

Issued by the Governor August 9, 1999.  
Filed by the Secretary of State August 20, 1999.

## 99-343

## KIDCARE MONTH

WHEREAS, uninsured children are four times more likely than insured children to have necessary medical care delayed and uninsured children are five times more likely than insured children to use the emergency room as a regular source of care; and

WHEREAS, it is less costly to prevent an illness than to treat one; and

WHEREAS, the children of working families in Illinois deserve access to health care; and

WHEREAS KidCare has extended coverage for over 42,000 Illinois children; and.

WHEREAS the State of Illinois has committed \$83 million to support KidCare, a children's health insurance program; and

WHEREAS KidCare has partnered with over 500 health care and community providers to help insure families throughout the state; and

WHEREAS, healthy children are more likely to reach their academic potential; and

WHEREAS, in August of 1997, Congress passed the Balanced Budget Amendment committing more than \$24 billion over a five-year period to the states to create their own children's health insurance program, and the State of Illinois created KidCare for approximately 190,000 eligible uninsured children in Illinois;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim August 1999 as KIDCARE MONTH in Illinois and urge all citizens to be cognizant of the importance of health insurance for children to prevent and treat illness in a timely, responsible manner so that our children are healthy enough to participate fully in life and have greater potential to grow into healthy

adults.

Issued by the Governor August 10, 1999.

Filed by the Secretary of State August 20, 1999.

#### 99-344

##### DYSTONIA AWARENESS WEEK

WHEREAS, Dystonia is a neurological disorder in which powerful, involuntary muscle spasms twist parts or all of the body; and

WHEREAS, such spasms are disabling and painful; and

WHEREAS, the cause of dystonia is unknown and there is no cure; and

WHEREAS, those who suffer from Dystonia, their families, and their friends

have to seek the Affiliated National Dystonia Associations to help one another and to seek the cause and cure; and

WHEREAS, the public knows little about Dystonia, which may affect as many as 300,000 people in North America; and

WHEREAS, many citizens react to the physical manifestations of Dystonia by avoiding those who have this disorder, causing them to experience isolation and often deep psychological distress; and

WHEREAS, greater recognition and understanding of Dystonia in both the medical and lay communities is highly desirable to provide aid and support to those who are affected by it; and

WHEREAS, there is a need for widespread public support of efforts to find the causes and cure of Dystonia;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim October 10-17, 1999, as DYSTONIA AWARENESS WEEK in Illinois.

Issued by the Governor August 12, 1999.

Filed by the Secretary of State August 20, 1999.

#### 99-345

##### FIREFIGHTERS APPRECIATION MONTH

"Not a gift of a cow, nor a gift of land, nor yet a gift of food, is so important as the gift of safety, which is declared to be the great gift among all gifts in this world." Panchatantra (c. 5th century)

WHEREAS, firefighters are prepared to sacrifice their lives at all times in their professional service to their communities; and

WHEREAS, their immense contributions, both of personal risk and time devoted to public service, need to be acknowledged; and

WHEREAS, last year, firefighters in more than 100 Illinois communities raised and donated more than \$200,000 for the Muscular Dystrophy Association (MDA);

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim August 1999 as FIREFIGHTERS APPRECIATION MONTH in Illinois in conjunction with MDA's recognition of their efforts.

Issued by the Governor August 13, 1999.

Filed by the Secretary of State August 20, 1999.

#### 99-346

##### BLESSED MOTHER THEODORE GUERIN DAY

WHEREAS, Blessed Mother Theodore Guerin was the foundress of the Sisters of

Providence of Saint Mary-of-the-Woods in 1840 when she and five other Sisters of Providence established a motherhouse and novitiate; and

WHEREAS, Blessed Mother Theodore Guerin and the Sisters of Providence of Saint Mary-of-the-Woods dedicated themselves to teaching and caring for underprivileged children; and

WHEREAS, Blessed Mother Theodore Guerin received the title Blessed during a beatification ceremony on October 25, 1998, in St. Peter's Square at the Vatican; and

WHEREAS, the Sisters of Providence of Saint Mary-of-the-Woods, who minister to the Archdiocese of Chicago, will honor Blessed Mother Theodore Guerin on Saturday August 28, 1999, at Our Lady of Sorrows Basilica;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim August 28, 1999, as BLESSED MOTHER THEODORE GUERIN DAY in Illinois.

Issued by the Governor August 17, 1999.

Filed by the Secretary of State August 20, 1999.

#### 99-347

##### CHILD AND YOUTH CARE WORKERS WEEK

WHEREAS, professional child and youth care workers provide, directly or indirectly, for the nurturance, treatment and support of children and youth in treatment centers, hospitals, institutions, day care programs, community centers, schools and homes; and

WHEREAS, they are dedicated to taking an active, responsible role in meeting the regular and special needs of the children they care for; and

WHEREAS, in Illinois, the more than 5,000 child and youth care workers contribute not only to the well-being of their charges, but to the economy and welfare of the entire State of Illinois;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim September 20-26, 1999, as CHILD AND YOUTH CARE WORKERS WEEK in Illinois.

Issued by the Governor August 17, 1999.

Filed by the Secretary of State August 20, 1999.

#### 99-348

##### GOLDEN ARCHES DAY

WHEREAS, Ray Kroc opened his first McDonald's restaurant on April 15, 1955, in Des Plaines, IL; and

WHEREAS, there are 588 McDonald's restaurants in Illinois, employing more than 35,000 people; and

WHEREAS, in the last five years, McDonald's has invested over \$100 million in its Illinois restaurants. This includes building new restaurants, as well as rebuilding, relocating and remodeling existing sites; and

WHEREAS, over the past two years, McDonald's has purchased more than \$1 billion in goods from our Illinois suppliers who provide such products as hamburger buns, salt, cookies, beef, cups, coffee, tea and soft drinks; and

WHEREAS, over the past three years, McDonald's Corporation and Chicago-area owner/operators have given \$2.1 million to various organizations in the City of Chicago; and

WHEREAS, over the past three years, Ronald McDonald House Charities (RMHC) has donated \$8.2 million to more than 115 organizations in the City of Chicago, including \$4 million to Chicago's after school "McPrep" program; and

WHEREAS, McDonald's sponsorship of "Sue the Dinosaur," the Ferris Wheel at Navy Pier, and our theme restaurants including the "Rock and Roll" McDonald's all demonstrate our partnership with the State of Illinois; and

WHEREAS, on August 19, McDonald's will conduct the Grand Opening and Ribbon Cutting festivities in celebration of opening its 25,000th restaurant;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim August 19, 1999, as GOLDEN ARCHES DAY in Illinois.

Issued by the Governor August 17, 1999.

Filed by the Secretary of State August 20, 1999.

#### 99-349

##### LEGION OF YOUNG POLISH WOMEN DAY

WHEREAS, the Legion of Young Polish Women was organized in 1939 by a group of young women who wanted to help war-torn Poland and is celebrating its 60th anniversary September 2, 1999; and

WHEREAS, members of the Legion of Young Polish Women do charitable work, to promote the rich Polish heritage and culture; and

WHEREAS, the Legion of Young Polish Women supports such organizations as the Polish Arts Club, the Polish Institute of Arts and Sciences, the Polish Museum of America, and the Kosciuszko Foundation, as well as numerous other publications, libraries and foundations throughout the community; and

WHEREAS, the Legion of Young Polish Women also has made substantial donations to the Polish Youth Association, Polish language schools, and the scholarship funds of the Chicago Intercollegiate Council and the Knights of Donrowski; and

WHEREAS, Grazyna Migala, President of Legion of Young Polish Women is to be commended for her commitment and dedication to the Polish American community; and

WHEREAS, Chairperson of 60th Committee, Joan Kosinski, Announces a Gala Dinner Celebration will take place at the Renaissance Chicago Hotel, September 18, 1999;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim September 2, 1999, as LEGION OF YOUNG POLISH WOMEN DAY in Illinois.

Issued by the Governor August 17, 1999.

Filed by the Secretary of State August 20, 1999.

#### 99-350

##### LITERACY FOR PEOPLE WHO ARE DEAF OR HARD OF HEARING DAY

WHEREAS, the mission of Alternatives in Education for the Hearing Impaired (AEHI) is to foster literacy and empower people with hearing impairments to achieve their potential through unique educational options; and

WHEREAS, literacy is the single greatest key to productive citizenship and adult economic self-sufficiency; and

WHEREAS, children who are deaf or hard of hearing are taught using Cued Speech to achieve levels of literacy equivalent to what would have been achieved if the child was not deaf or hard of hearing; and

WHEREAS, through its 13-year history, AEHI has demonstrated Cued Speech at the Alexander Graham Bell Montessori School, improving education and literacy outcomes for children who are deaf or hard of hearing; and

WHEREAS, AEHI offers a range of services to children who are deaf or hard of

hearing and their families, including early intervention, Cued Speech workshops, advocacy and group support programs; and

WHEREAS, AEHI supports access to literacy for a statewide population of people who are deaf or hard of hearing through teacher training and consulting activities; and

WHEREAS, AEHI supports the development of new practices, technologies and techniques in education for the hearing impaired; and

WHEREAS, AEHI will be hosting an event at the Four Seasons Hotel in Chicago to promote literacy for children who are deaf or hard of hearing;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim October 13, 1999, as LITERACY FOR PEOPLE WHO ARE DEAF OR HARD OF HEARING DAY in Illinois.

Issued by the Governor August 17, 1999.

Filed by the Secretary of State August 20, 1999.

#### 99-351

##### "SCHOOL'S OPEN" SAFETY WEEK

WHEREAS, School Safety Patrol members in bright-orange patrol belts soon will be on duty guiding their fellow students as they cross busy intersections near the schools; and

WHEREAS, the student Safety Patrols, pioneered by the AAA-Chicago Motor Club in 1920, provide life-saving protection for thousands of school children statewide; and

WHEREAS, approximately 500,000 youngsters from 50,000 schools serve on School Safety Patrols, and 31 foreign countries now have Patrol programs; and

WHEREAS, the AAA School Safety Patrol service program has been credited with helping to achieve the dramatic decrease in pedestrian death rates for children between the ages of five and 14 in the United States; and

WHEREAS, members of the School Safety Patrol selflessly devote their time and safeguard the lives of fellow classmates walking to and from school and the school bus stop; and

WHEREAS, members of the Patrol perform a valuable community service every day of the school year in a responsible, effective manner; and

WHEREAS, the AAA School Safety Patrol program acquaints children with a better knowledge of traffic hazards and safe pedestrian practices; and

WHEREAS, the program offers young citizens the opportunity to assume responsibility in the community; and

WHEREAS, motorists must be alert for children at school crossings, review and follow the rules of the road as they apply to school zones, and respect Patrol members performing their duties;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim August 23-29, 1999, as "SCHOOL'S OPEN" SAFETY WEEK in Illinois.

Issued by the Governor August 17, 1999.

Filed by the Secretary of State August 20, 1999.







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